VOL. CXIV. LONDON: SATURDAY, MAY 20, 1950. No. 20

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REPORTS

Official Advertisements, Tenders, etc.

Official Advertisements (Appointments, Tenders, etc.), 2s. per line and 3s. per displayed headline. Miscellaneous Advertisements 24 words 6s. (each additional line 1s. 6d.) Box Number 1s. extra. *Latest time for receipt—9 a.m. Wednesday.*

URBAN DISTRICT COUNCILS ASSOCIATION

Appointment of Assistant Secretary

THE Association invite applications for the whole-time post of Assistant Secretary on the staff of the Association from persons with considerable experience of local government administration. Salary £1,250 per annum. Arrangements will be made, in an appropriate case, for the person appointed to be included in the superannuation scheme of a local authority.

Applications (fifteen copies) stating (*a*) age, (*b*) personal particulars and education, (*c*) offices or appointments held in the local government service, (*d*) experience of local government law and administration and (*e*) the names, addresses and descriptions of three persons to whom reference may be made as to the qualifications of the applicant should be forwarded to the undersigned to arrive not later than Wednesday, June 7, 1950.

ARTHUR J. LEES,
Secretary.

Palace Chambers,
Bridge Street,
Westminster, S.W.1.

BOROUGH OF RAWTENSTALL

Appointment of Town Clerk

APPLICATIONS are invited from Solicitors with previous local government experience for the appointment of Town Clerk at a commencing salary of £1,150 per annum, rising (subject to satisfactory service) by annual increments of £50 to a maximum of £1,350 per annum. The Town Clerk of Rawtenstall is also the Electoral Registration Officer and the Acting Returning Officer for the Borough Constituency of Rossendale. The Conditions of Service in the Second Schedule to the Memorandum of Recommendations of the Joint Negotiating Committee for Town Clerks and District Council Clerks will apply.

The appointment will be subject to three months' notice on either side, and to the provisions of the Local Government Superannuation Act, 1937. The successful candidate will be required to pass a medical examination.

Assistance will be given to the successful candidate in the provision of housing, if required.

Applications, stating age, experience and qualifications, and the names of not more than three referees to whom reference may be made, should reach the undersigned not later than noon on Saturday, June 3, 1950.

Candidates should state whether they are related to any member or senior officer of the Council and canvassing in any form will disqualify.

J. W. BLOMELEY,
Acting Town Clerk.

Town Hall,
Rawtenstall,
Rossendale, Lancs.

CITY OF BRADFORD

Appointment of Chief Assistant Clerk to the Justices

APPLICATIONS are invited for the abovementioned full-time appointment from only those applicants who have a sound knowledge and considerable experience of the work of a Justices' Clerk's office, capable of performing all duties, without supervision, including the taking of courts and acting entirely in the absence of the Justices' Clerk or his deputy. The prospects of promotion are good by reason of the fact that the Deputy Clerk to the Justices is due to retire in the near future. In such an event the Chief Assistant Clerk might, if suitable, be appointed Deputy Clerk to the Justices.

The salary payable will be in accordance with A.P.T. Grade VIII (£685—£760).

The appointment will be subject to the provisions of the Local Government Superannuation Act, 1937, and the successful candidate will be required to pass a medical examination.

Applications marked "Chief Assistant," stating age, present and past appointments with full particulars of experience, together with copies of two recent testimonials, must be received by me not later than June 30, 1950.

FRANK OWENS,
Clerk to the Justices.

City Magistrates' Clerk's Office,
Town Hall,
Bradford.

METROPOLITAN BOROUGH OF CAMBERWELL

Appointment of Assistant Solicitor

APPLICATIONS are invited from duly qualified Solicitors for the appointment of Assistant Solicitor at a salary in accordance with Grades A.P.T. VII-VIII of the National Scale of Salaries, namely, £665 per annum, rising by annual increments of £25 to £790 per annum, inclusive of £30 London weighting.

Previous local government experience is not essential but applicants should have had previous experience of conveyancing and Police and County Court practice.

The appointment is subject to the provisions of the Camberwell and other Metropolitan Borough Councils' (Superannuation) Act, 1908, as amended, and the person appointed will be required to pass a medical examination by the Council's Medical Officer of Health.

Housing accommodation cannot be provided by the Council.

Applications from staff in the service of other local authorities will not be considered unless they have been in the service of their present employers for a period of not less than two years.

Forms of application may be obtained from the undersigned and must be returned not later than Saturday, June 3, 1950.

DARRELL MUSKER,
Town Clerk.

Town Hall,
Camberwell, S.E.5.

SMETHWICK & WEST BROMWICH COMBINED PROBATION AREA

Appointment of Male Probation Officer

APPLICATIONS are invited for appointment as a full-time male Probation Officer. Applicants must not be less than 23 or more than 40 years of age, except in the case of a serving full-time Probation Officer.

The appointment will be subject to the Probation Rules, 1949, and the salary paid will be according to the scale prescribed by those Rules.

Applications, stating age, present position, qualifications and experience, together with copies of two recent testimonials to be sent to the undersigned not later than June 10, 1950.

ANTHONY SHAKESPEARE,
Secretary to the Combined Probation Area.

Law Courts,
Smethwick.

THE Civil Service Commissioners invite applications for a pensionable post of Assistant Legal Adviser in the Legal Branch of the Foreign Service, a career which includes work in the Foreign Office as legal adviser and abroad as Legal Secretary or Counsellor of Embassy.

Candidates must be at least 27 and under 32 years of age on March 1, 1950; they must be barristers or admitted solicitors in England and have had practical experience in one or the other branch of the profession. Due consideration will be given to good academic attainment in a University degree or the Bar or Solicitors' Final examination.

Salary £1,000 x £30—£1,090 x £35—£1,320 for men; £830 x £30—£1,150 for women.

Full particulars and application forms from the Secretary, Civil Service Commission, 6, Burlington Gardens, London, W.1, quoting No. 3091; completed application forms must reach him by June 15, 1950.

BOROUGH OF DARTFORD

Appointment of Deputy Town Clerk

APPLICATIONS are invited from Solicitors with wide Local Government experience, for the appointment of Deputy Town Clerk, at a salary of £816 per annum rising, subject to satisfactory service, by annual increments of £30, to a maximum of £996 per annum.

The person appointed will not be permitted to engage in private practice. The appointment will be subject to the Local Government Superannuation Act, 1937, and the successful candidate will be required to pass a medical examination.

Applications endorsed "Deputy Town Clerk," stating age, date of admission and experience, and accompanied by copies of three recent testimonials, must be sent to reach me not later than June 2, 1950.

THOMAS ARMSTRONG,
Town Clerk.

Council Offices,
Dartford.
May 9, 1950.

SITUATION VACANT

CLERK wanted by Solicitors in country town in West. Man or woman with general experience especially probate and knowledge of accounts. Able to work without much supervision. Box No. B.14, Office of this paper.

Justice of the Peace
and
Local Government Review

[ESTABLISHED 1837.]

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LONDON : SATURDAY, MAY 20, 1950

Offices : LITTLE LONDON, CHICHESTER, SUSSEX.

[Registered at the General Post Office as a Newspaper]

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NOTES of the WEEK

Revival of Condoned Cruelty

In the case of *Cooper* v. *Cooper* (1950) W.N. 200, the House of Lords recently allowed an appeal from a decision of the Court of Appeal which had upheld the finding of Judge Capon, who, sitting as a special commissioner in the Nottingham District Registry, had dismissed a wife's petition on the ground that there was not sufficient evidence to revive the condoned cruelty.

Viscount Jowitt, L.C., said that in cases in which the petition is based on a first act of cruelty which had been condoned and was thereafter followed by further alleged acts of cruelty it might be important to assess the nature and quality of the first act notwithstanding the subsequent condonation. If, for example, a husband had made a violent assault on his wife by hitting her with his fists on the first occasion and that act of cruelty had been condoned it would not be hard to infer an additional act of cruelty if, on a subsequent occasion, he advanced towards her with fists clenched. The more serious the original offence, the less grave need be the subsequent matters to constitute cruelty, for the subsequent acts must be looked at in the light of the earlier history from which they derived their significance.

This reasoning would appear to apply equally in considering, in a magistrates' court, whether certain subsequent acts were acts of cruelty sufficient to make, with an original proved act of cruelty, a case of persistent cruelty. In other words, an act which taken alone might not be of great significance may assume much greater importance as part of a course of conduct in which more serious acts are proved.

Justices (Supplemental List)

As we have noted previously, s. 4 of the Justices of the Peace Act, 1949, is to come into force on June 1, and the Lord Chancellor has made, therefore, the Justices (Supplemental List) Rules, 1950 (S.I. 1950 No. 594) to come into force on the same date. They replace the Justices (Supplemental List) Rules, 1941, and are designed to give effect to the changes in the law brought about by s. 4 of the 1949 Act. The Chancellor of the Duchy of Lancaster has made similar rules (S.I. 1950 No. 567) for the County Palatine of Lancaster.

British Nationality (Deprivation of Citizenship)

Section 20 of the British Nationality Act, 1948, makes provision for citizens of the United Kingdom and Colonies who are such by registration, or who are naturalized, to be deprived of their citizenship by an order made by the Secretary of State under that section or s. 21.

On April 11, 1950, the Secretary of State made the British Nationality (The Deprivation of Citizen Rules), 1950 (S.I. 1950 No. 593) to regulate procedure when such cases are referred to a committee of inquiry as provided by s. 20 (7) and s. 21 (2). The person concerned is entitled to be represented by counsel or solicitor, or, with the committee's sanction, by some other person. The committee is to have the powers, rights and privileges of the High Court or a High Court judge in respect of enforcing the attendance of witnesses, examining them on oath, affirmation or otherwise, and the issue of a commission or request to examine witnesses abroad. These powers, etc., extend also to compelling the production of documents and the punishing of persons guilty of contempt.

A summons signed by one or more members of the committee may be used to enforce the attendance of witnesses or compel the production of documents.

The committee may act on any available information whether it would be admissible in court or not and whether given on oath or not.

Lacunae in Summary Procedure

In an article on this subject at p. 176 *ante* we discussed, *inter alia*, the action which should be taken by justices who purport to commit an offender for sentence under s. 29 of the Criminal Justice Act, 1948, and find subsequently that they had no power so to commit him. This matter has now been considered by a Divisional Court of five judges in *R.* v. *South Greenhoe Justices and another, ex parte Director of Public Prosecutions*, reported in *The Times* of May 4, 1950. The Lord Chief Justice, giving judgment, said that the court did *not* accept the argument that in committing for sentence the justices had given a judgment and were, therefore, *functi officio*. He said that there had been no adjudication and the justices were not *functi officio*. He added that the justices must therefore finish the case, and notice must be given to the defendant that at a named date the Court would proceed further to hear the case. The case would be concluded once the defendant had been dealt with. The right order for the Court (*i.e.*, the High Court) to make accordingly was one of *mandamus* directing the justices to impose sentence on the defendant.

The report in *The Times* does not indicate if it was decided whether, if the defendant ignored the suggested notice, he should be sentenced in his absence or brought before the justices by warrant. It may be that a fuller report of the case may throw light on this point. Meantime we are glad to note that our view, expressed in the article above referred to, that an application for *mandamus* in such circumstances was almost certain to be successful, has been proved to be correct.

Time at which Right to Appeal Arises

Doubts have arisen, on the wording of s. 36 (3) of the Criminal Justice Act, 1948, as to whether a person convicted in a summary court and then remanded for inquiries before sentence can

properly give notice of appeal at the time of conviction, or whether he must wait until the court announces its decision at the end of a remand or remands. It seems hard, and in a sense unjust, that a person who has strongly contested a case and is aggrieved by being convicted and who wishes to exercise his undoubted right to appeal against that conviction must wait, possibly in custody, for some period or periods and be the subject of various inquiries, sometimes involving medical examination, without being able to exercise that right. Section 36 (3) certainly appears to mean, however, that that was what was intended, and we now hear that that is the view which has been taken at the County of London Sessions. A defendant was convicted in a London court and was then remanded in custody for a report from the prison commissioners as to his suitability for borstal training. He at once served notice of appeal which was accepted, *de bene esse*, at the magistrates' court and forwarded in the usual way to the clerk of the peace, attention being called to the fact that it was not certain that at that stage an appeal lay.

The appeal in this form duly came before the County of London Sessions, and that court decided that it had no jurisdiction to entertain the matter at that stage and that no appeal lay until after the proceedings at the magistrates' court had been completed. There are undoubted advantages in the appeal not being begun until the summary court announces its decision to sentence or otherwise to deal with the offender, but we do feel that it may be difficult to persuade the offender that these advantages outweigh the disadvantages from his point of view, and it is not easy to see that the interests of justice and those of the offender are necessarily in conflict on this occasion.

Probation in Stockton

Annual reports of probation officers and probation committees necessarily include statistics. Some contain little more than tables of figures with a few comments, while others give much more space to reflections upon the nature of the work and its opportunities, with some illustrative cases.

The report of the senior probation officer for the borough of Stockton and the petty sessional division of Stockton county for the year 1949, makes pleasant reading. There is the fact, very clearly shown by a graph, of a remarkable decrease in the number of children and young persons brought before the courts, and it also appears that the results of probation generally were thoroughly satisfactory. Suitable measures are taken to see that breaches of requirements are not treated as unimportant, and that, as the report says, the probationer does not get away with it. Some individual cases are described in such a way as to show not only justices but also any other people who may be fortunate enough to see the report, what the work of a probation officer involves, and what an influence it may have upon a whole family and a home.

Matrimonial work has decreased on the whole, though there is a sharp rise in the number of cases of persistent cruelty. It has been decided that probation officers should not act as guardian *ad litem* in adoption proceedings, save in cases where the local authority is unable to do so. It is generally agreed that this function is appropriate to the department of the children's officer appointed under the Children Act, 1948.

The work of after care in respect of borstal cases is substantial and increasing. It has evidently been well done. A recent letter from the Director of the Central After-care Association states: "I am interested to see that in 1948 we remarked on the fact that the number of ex-borstal boys under the care of the Stockton officers re-convicted was well below average. In 1949, although more cases have been under the care of Mr. Webster and Mr. Simpson, only five have been re-convicted, in itself an excellent indication of the quality of the work done at Stockton. We are indeed grateful for the work of these officers."

Probation in Southend

In presenting the report of the probation committee for the county borough of Southend-on-Sea, Mr. Chalton Hubbard, the chairman, looks back on his twenty-two years in that office and forty-one years as a magistrate and recalls his appreciation of the probation system that has been built up. This, he says, is the last report he will present, and it is certainly a satisfactory one. The justices have taken full advantage of the new provisions in the Criminal Justice Act, 1948, especially those relating to mental treatment. It is evident that both the probation committee and the probation officers feel that the Criminal Justice Act has improved the probation system without making such drastic changes as might have created difficulty or aroused opposition.

The report of the women probation officers include some interesting observations on the causes of crime, particularly among juveniles and adolescents. It is stated that extreme intellectual backwardness accounts for at least thirty *per cent.* of the boys on probation. It is pointed out that this is more a matter for teachers than for probation officers, but nevertheless probation officers can help, and it has been noticeable that marked improvement occurs when reading difficulties have been overcome by teaching in special schools or classes. The male probation officers also touch upon this question of intellectual backwardness. "The adults we have had under supervision who have failed to respond, in the majority of cases were found to be of retarded intelligence and physically defective."

The whole report is hopeful in tone. There is no alarm about the state of crime in the borough, and even the problem of juvenile delinquency appears to be less pressing here than in many other places.

Bristol Juvenile Court

The report of the juvenile court panel for the year 1949 records an increase in crime among the younger age group which is said to be common to the whole country and, says the report, it has led to long waiting lists for admission to junior and intermediate approved schools, causing boys to be often detained at remand homes for some months pending vacancies. This is unfortunate at a time when there is some talk about the possibility of closing some of the schools.

A step forward is being made by the establishment of a separate reception centre for care or protection cases and for very young children so that these will not have to go to the ordinary remand home. The Bristol juvenile court receives numerous applications from students for permission to attend the sittings of the court. A rule has been made that not more than four such visitors shall attend at one sitting. This is the course adopted in some other courts, and is certainly desirable, as the fewer people present in the court-room as spectators the better it is for creating the right atmosphere.

It is often said that few children who are connected with youth organizations find their way into the juvenile courts. In Bristol, figures were kept for the last six months of the year about boys and girls charged with serious offences. The statistics are given in the report and they show that 17.7 *per cent.* of offenders were effective members of an organization, though a larger number had been or were nominally attached.

Local Government Boundaries

Fairly lengthy debate of the negatived motion for second reading of a local Bill seeking county borough status for Ilford non-county borough provided the Minister of Health with an opportunity to disclose the present Government's views with regard to the reorganization of local government. These were summarized on this occasion in a statement that " local government on the whole is, as it were, ticking over, not as satisfactorily as we (central Government) would like, but nevertheless there is no urgent, overwhelming reason why it should be changed radically at this stage." This is a remarkable change. Six months previously, during second reading debate of the Local Government Boundary Commission (Dissolution) Act, 1949, the Minister said the central Government " were, and are, conscious of the fact—a fact that is not only a post-war fact, but was a pre-war fact — that the local government of Great Britain badly needed reorganization. Most of its structure is ill-suited to the nature of our society, and some alterations are required."

An earlier reason for disinclination of the Government to embark upon the reorganization of local government was reiterated recently. In November, 1949, a reason given for postponing action was the absence of a " common body of opinion in local government circles in this nation as to what local government reorganization should be like." Latterly, it was said to be " clear, however, from the divisions on all sides of the House (of Commons) that there is no common concensus of opinion here as to what the reorganization of local government should be. The ranks of Tuscany are divided ; representatives of the county councils and the urban district councils and the boroughs are on all sides of the House." Therefore, the present Minister of Health did " not think there is any immediate prospect of any Minister of Health—unless he is prepared to go into immediate voluntary exile—bringing proposals before the House for the radical reorganization of local government." Coming immediately after a passage referring in past tense to the consideration of general aspects being given by the Government to reorganization when the Local Government Boundary Commission (Dissolution) Bill was passing through Parliament, this suggests antipathy to any action in the matter by the present Government. The only prospect of any change of attitude seems to flow from a statement of a member that " the associations of local authorities are about to confer and formulate proposals to put before the Government for consideration." Agreement between the associations and acceptance by the Government of the day would be a remarkable achievement.

Continuous doubt about the shape of things to come must have an enervating effect in local government. High quality members and officers of local authorities will be neither attracted nor retained by a system frequently preached against as ineffective. Comprehensive planning, capital expenditure on extensive programmes, and attempts to build up progressive momentum, are being discouraged, or, if embarked upon, will be largely wasted in the event of structural changes. As certain as it is that a good aim must precede a good shot, present aimlessness in the settlement of general questions relating to boundaries and functions will never produce any shot at all.

Festival Sanctions

A circular from the Ministry of Health gives local authorities whose accounts are subject to district audit a general sanction for any reasonable expenses incurred by them, outside their statutory powers, for the purposes of the Festival of Britain, 1951. The circular indicates that the Minister cannot undertake to advise individual authorities or persons, whether any particular kind of expenditure should be incurred or of the amount which can be properly examined. The question of reasonableness is left in case of dispute for the district auditor to settle, and the only effect of the circular is to remove technical difficulties arising from absence of statutory power, where a proposal of the local authority is not covered by the existing wide powers of the Local Government Act, 1948, or otherwise. That a blanket sanction of this sort is likely to be effective for its purpose may be accepted as the correct interpretation of s. 228 (1) of the Local Government Act, 1933, but it is less certain that such a use of the proviso to that subsection is desirable. In the first place it cannot touch expenditure not charged in accounts which are subject to district audit. A number of the local authorities which may be most likely to incur substantial expenditure are those left without the protection which would have been given them by a statutory provision to the same effect as the blanket sanction. For them there must remain the risk that expenditure, which in a neighbouring town would go before the auditor and because of the sanction could not be challenged, will be challenged in the High Court. Moreover it is far from sure that these general blanket sanctions are desirable at all. There is no doubt that the Local Authorities Expenses Act, 1887, now reproduced in the proviso to s. 228 (1) of the Local Government Act, 1933, was intended by Parliament to deal with marginal cases individually, and to relieve the district auditor of the duty of disallowing an item of expenditure in accounts coming before him, which item had been incurred without statutory power for some desirable and non-recurring purpose. For many years after the passing of the Act of 1887, the practice of the Local Government Board and of Ministers of Health, since the power passed to them, was to decline using the sanctioning power for recurring expenditure and to refrain from general sanctions ; this, upon the view that, if Parliament had wished expenditure to be thus incurred, it would have given a general power. The modern practice (as we believe it to be) of giving blanket sanctions for some object, which the Minister in office for the time being believes to be desirable, could easily grow into a practice of encouraging expenditure, which Parliament not only had not authorized but would be unlikely to authorize if statutory powers for that expenditure were sought.

The Deprived Child

We are using this expression, not because we like it, but because we hope it will bring about its total abolition in the terminology relating to children for whom local authorities are responsible under the Children Act, 1948.

The Curtis Committee was appointed to inquire into methods of providing for children " who through loss of parents or any cause whatever, are deprived of a normal home life," but the expression " deprived child " was used very sparingly in the report, and is not used at all in the Children Act, yet it is frequently used in articles and addresses, with possible detriment, we suggest, to the children themselves. If we are not careful the expression " deprived child " will be just as much a matter of disrepute as the old term " pauper child." We noticed, for instance, that a senior official of the Home Office, at a recent conference in Cardiff, used the expression on more than one occasion. It is sometimes found in reports of local authorities, but we hope we are right in saying that it is not used in Government circulars. Can we press, therefore, most strongly that the staff of the Home Office shall show a good example from now on, by never using this expression, and that their good example may then be followed by everyone else concerned with the subject. We are glad to say that our contributors who deal with this subject from time to time never use the expression.

"THERE, BUT FOR THE GRACE OF GOD, GO I"

So much has been said about the causes of juvenile delinquency, not merely by speakers and writers like Sir Leo Page, to whose article in *The Nineteenth Century and After* we have already called attention in Notes of the Week, but by others who know much less about its causes and the chance of cure, that the public may be pardoned if in weariness it begins to close its ears to further argument. Before this happens, we should like to make a contribution, even at the cost of touching again upon some ground we have gone over before. Some of what is said is merely silly, like the suggestion that crimes occur because "coshes" and knuckle dusters can be bought, and their sale should therefore be prohibited like that of firearms—as if any schoolboy could not make himself a "cosh" if he thought it would be useful or amusing. In fact, a bicycle chain, held in a gloved hand, will serve the double purpose: it can give a smashing blow in the face at short range, or a splendid swipe from beyond reach of the victim's fist. Nobody has yet suggested in this context that bicycles should be no longer sold, or stealing chains should be made a capital offence. But the word "cosh," which we take to be like "spiv," a newish and rather convenient name for a nasty but very ordinary thing, is becoming so much the one name for it (nobody is now-a-days hit with a bludgeon, or even stunned with a blunt instrument) that there is danger of its becoming in itself the villain of the piece; danger that discussion of a real evil may be sidetracked, much as serious discussion of corruption in our public life was sidetracked in the chase for the picturesque or picaresque in Sidney Stanley. Stanley was nothing but a symptom; so is the "cosh"—so, in a sense, is the much agitated juvenile delinquency itself.

Let us attempt a diagnosis. There are diverging instincts or tendencies in mankind as in other animals, domesticated no less than wild. In the main, all gregarious creatures have a sense of order; in the ant hill or Notting Hill normal family life calls for settled ways, which are as natural to chimpanzees and chiff-chaffs as to Chinamen and the inhabitants of Chichester. One great formative tendency of the modern world has lain in this fundamental tendency, and because so many of our countrymen are swayed by catchwords the very notion of an ordered way of life deliberately fostered suggests at once totalitarian politics. On the other hand, almost all normal people will at times break out from their routine; even for the adult, *dulce est desipere in loco*, while young animals, tribes and peoples who have, exceptionally in the modern world, lost the habit of settlement or have not acquired it, and (equally) exceptional individuals of all ages amongst all peoples and in all centuries, have an almost overwhelming tendency to seek change and adventure: "Man's Spirit stirred, beyond his belly need." This has been largely overlooked, so far as our observation goes, in discussions of present day delinquency. Nor have those discussions, to our mind, taken nearly enough account of a factor, that of social position and pecuniary standing, which comes into the problem as it came into Galsworthy's *Silver Box*. It is an old saying, that one man may take a horse while another may not look over the hedge. A lad of fifteen, sixteen or seventeen with a well-to-do environment is likely to be still a schoolboy, amenable to pedagogic and parental orders and to a host of inhibitions. If he gives rein to high spirits, involving it may be the destruction of other people's property, he can be dealt with by his headmaster in the ordinary course, and if need be compensation can be paid by a more or less indulgent father, who remembers how he threw the college furniture upon a bonfire after a bump supper, or blacked a bobby's eye to celebrate attaining manhood, away back at the beginning of the century. Compare what we said ourselves in our first issue of this year about university students' "rags," under colour of charity sometimes, but often nothing but a wild outburst of transitory mischief. There is today a chairman of a bank who some forty-five years ago had over the fireplace in his room at Oxford a large brass shield wrenched on November 5 from the walls of an insurance office in the town. It was sent back to its owners at the end of term, and nobody called him or his friends juvenile delinquents. Translate this sort of irresponsibility into a different walk of life, where the boy of fifteen or sixteen is earning his own living, or so far contributing towards doing so that he can claim independent status, and the lad of twenty-one may be wondering how to maintain his first born instead of having a twenty-first birthday party of his own. The working man of twenty-one will have passed, usually, some time earlier than his well-to-do contemporary out of the group of cheery irresponsibles; but at lower ages, say sixteen to eighteen, the youngster thrown into the working class world, set free from the controls and inhibitions which still cling to those whose formal and relatively cloistered education is continuing, can easily find himself involved in conduct which, to the respectable and the middle aged, looks like delinquency.

Consider the eight young ruffians aged sixteen and seventeen who were convicted at the Old Bailey on April 3 of an assault, some with and some without intent to do grievous bodily harm, upon one boy of fourteen. Four of them were described as labourers; the other four had apparently started upon potentially skilled jobs as mechanics. It is next to impossible to say what after their conviction for this sheer ruffianism it is best to do with them; some have gone to prison and some been put back for reports from probation officers. They may be redeemable (no doubt a borstal housemaster would hopefully set about the task) or they may not—now. What is certain, and is more important than the fate of any eight individuals, is that under middle class conditions that octet would never have played its collective part at all. You can find eight or eighty rowdy boys at a public school or at a university, but you do not find them combined for cowardly assaults or robbery with violence. Next consider John Guthrie, aged fourteen, who took the fishing vessel *Girl Jean* single handed out of Arbroath, and after some days of broadcast notoriety was found adrift in the North Sea. He was inevitably "glamourized" by the less intelligent newspapers, a process good neither for him nor for the public, a process stopped when it was learned that he had already been before the courts upon a criminal charge. Things being as they are, the approved school seems in the modern welfare state to be his obvious immediate fate, as for the younger components of the London gang. What is his remoter destiny? Was the taking of the boat any more a true criminal offence than the seizure of the ornamental plaque at Oxford by the future chairman of a bank? This older performance has on the face of it more of the essential elements of felony: the asportation and the retention of the property from the beginning of November to the end of term. Had a charge been brought, the defence might have been hard pressed to convince a jury that there was no intent to deprive the owners of their property. Candour compels the reflexion that if the plaque had been wrenched out, not by a scholar of the university, but by a young workman in the city, who had hung it over the fireplace in his mother's kitchen, a criminal charge and conviction would have seemed quite natural. To say this is not to condone the taking of the boat: it is merely to look at it with both eyes, as Parliament itself in s. 28 of the Road Traffic Act, 1930, looked at the strictly parallel offence (even when committed by an adult) of taking a motor car without consent of the owner. A boat and a car or

bicycle are standing temptations to those who think they can manage them or are game to try. Looking thus at Guthrie's offence, desiring neither to crack him up like the sensational press nor to push him down, one may ask what can have been his motive. He must have known he could not use the boat, as he might have used a bicycle or some other inconspicuous and petty larcenable object. He could not have hoped to sell her. He might, with luck, have sailed her to some other port and there, if very lucky, have abandoned her without detection, to the detriment of her owner and with no profit for himself. But that is the most he could have done. The taking of the boat was thus upon the face of it sheer mischief, involving, as it turned out, anxiety for the boy's family, trouble for many public services, and appreciable expense, a total which deserved sharp punishment. But suppose Guthrie had been a fourth form boy at a public school by the seaside. To begin with, he would not have had that previous conviction, from which to infer a felonious purpose in the taking of the boat—a thrashing, by his headmaster if the episode had been in term time, or (one hopes) his father in the holidays, would have been the end of it. It would be foolish to suggest that merely stupid mischief is all the story in all cases, but a good deal which ends badly can have begun that way, as do some careers that end well. "An imperfectedly denatured animal, intermittently subject to the unpredictable reactions of an unlocated spiritual area."

Lord Reading, according to Sir Arthur Goodhart (*Five Jewish Lawyers*) was the terror of his schoolmasters and scandal of the neighbourhood. The modern writer who says that in our day Clive would have gone to borstal may be exaggerating: we do not remember any borstal boy who had a father in the House of Commons, but Clive as a boy was "masterful and turbulent," according to the *Dictionary of National Biography*; according to the *Encyclopaedia Britannica*, "the despair of his schoolmasters," and "neglected his books for perilous adventures." Just as Joseph Isaacs packed Rufus off to sea at seventeen (the upper age of the eight lads convicted for assault, as we have above stated), so Richard Clive of Market Drayton shipped young Robert at the age of eighteen to Madras—to be got rid of from Shropshire, and to endow Britain with her Empire. "If" said the distinguished visitor presenting prizes at a recent speech-day "we could recapture the Elizabethan spirit we should get a lot further . . . We have the power and the capacity to lead the world as we have done in the past but it . . . is going to be done by our spirit and our skill . . . if we all play our part." But how? Start with youthful ebullience of spirits; curb its natural outlets; gibe at sacrifice and jeer at patriotism as an outworn superstition. Add daily talk and common toleration of spivery and all its works; complicate the young man's lack of moral and intellectual balance with a want of ready cash—and if we are honest with ourselves we can but echo John Bradford's "there go I." It is, largely, a matter of opening channels for young energies; of finding, we should like to think, interests which are not self regarding.

Yet how can this be in the England of today? The managing director uses the firm's lorries to collect black market produce for his residence; how can the young workmen in the firm be expected to abstain from "fiddling" when they get the chance? Even if the produce be lawfully come by, the irregular use of petrol issued for the business is bound to suggest that the driver might equally use some of it for his own purposes. A clerical schoolmaster takes a score of his older boys to Switzerland; on the return he hands a watch to each boy who has no watch of his own, and so brings home for sale a dozen or so uncustomed watches. True, he tells the boys that this shabby trick is to benefit school funds, and not the master's pocket, but a shabby trick it is, for all that; if one of those boys a few years later emulates a better known educationalist, by travelling first class to Salisbury with a third class ticket, who shall blame him? And at the same school it is now complained that, whereas books and equipment were used carefully when the parents paid, these are knocked to pieces twice as quickly, now that they are paid for out of public funds. A hospital surgeon in the West End gives one of his students, a young man in blooming vigour who could perfectly well cycle or travel by tube from his suburban home, a certificate stating that the student's health necessitates his having more than the standard quantity of petrol for a motor cycle; the young man's associates are delighted by his cleverness and his tutor's complaisance—and his character may have suffered a permanent kink. If when he has qualified he assists his patients to defraud the national health services, it will be all of a piece. Public morale has been lowered by no single cause, but what is called crime is not, despite the recent Lords' debate, so much a sign of the times as petty chicanery, in business, trade, and social conduct: claiming fictitious expenses against income tax, overtipping to get better food in restaurants, and buying chickens above controlled prices. There are no figures for this sort of thing, but the average man may fruitfully try thinking back ten, twenty, or thirty years according to his age. It does not follow, because we are succumbing to temptation, that we are more immoral than our predecessors; faced with the problems of today it is arguable that our fathers would have sunk to much the same methods of dealing with them, when we might ourselves be even worse men than we are. That, however, is not the point. We cannot excuse ourselves by saying: "Anyone else would do the same." Is there not (says Mr. Geoffrey Powell, the secretary of the Bribery and Secret Commissions League in a recent article in *The Rotarian*) reason for saying that new conditions have caught us napping? Can we really imagine such open, and indeed boasted, dishonesty even ten years ago? No doubt 1939 and even 1909 had their trials and temptations; "great rips, our grandfathers," said the Marquess to Soames Forsyte. But to a great extent the grandfathers of both men would have kept their misdoings to themselves or near associates. Says Macaulay, in the first chapter of his *History*: "Those who compare the age in which their lot has fallen, with a golden age which exists only in imagination, may talk of degeneracy and decay; but no man who is correctly informed as to the past will be disposed to take a morose or desponding view of the present." These words were written on the threshold of the Victorian age: they are worth repeating today, because assuredly the Tudor squire or merchant who trafficked in monastic spoils or negro slaves, and the nineteenth century millowner who trafficked in the excessive labour and low wages of men, women and children, were fully as hardfaced and hardhearted as their counterparts today. But either they were convinced of their own rectitude, or they deemed silence to be golden—if only because they expected silence from those who were in the know with them. But in 1950 good manners have gone out of fashion, and reticence has gone as well; a free and easy belief that the standards of other men are the same as one's own is characteristic of post-war morality. Our forefathers were no doubt as bad as we are, but they boasted of it less across the dinner table. The businessman did things which he knew were despicable in order to get on in business. But he could not justify himself, as he seeks to do today, in his own mind, by being able to talk openly and with pride of his misdeeds. The Secret hid Under Cheops pyramid Was that the contractor did Cheops out of several millions. But the Secret was hid, since the contractor had no wish to be thrown to the crocodiles, and this must have exercised a certain restraint on his future conduct as well as on his tongue. No doubt (we again quote Mr. Powell) the butler in the big house did exact commission wrongfully from the tradesmen to whom he gave the orders for wine and food.

But at least he kept his tainted profits as secret from the kitchen-maid as from his master. In this way no one could be led to think that the corrupt or dishonest way of doing things was really the normal and intelligent way of doing them. But is this the case today? As always, there are people who make standards of conduct and, human frailty apart, do their best to adhere to those standards. A few others will never have any standards at all, because they are fundamentally incapable of them.

But the majority go the way the wind is blowing: if this is true of grown up people, how much more of those who are at a fundamentally imitative age? Among honest men they become indifferent honest; when cheating is the fashion they soon join in, and may find their way to the depths. There always were dishonest and unprincipled men and women. Even, perhaps, a few who thought that dishonesty or petty cheating was clever enough to be worth talking about to their acquaintances. In a settled society, however, they would find themselves relegated to company which ordinary people regarded as riff-raff. Nowadays, there is nearly everywhere a fair leavening of people who talk openly in terms of this twilight morality. The cases above cited, of the managing director misusing rationed petrol; the reverend smuggler of Swiss watches; the surgeon tutor giving a false certificate to be produced to the Ministry of Fuel, behaved quite openly: these are actual episodes of the past few months, freely bandied about among the workmen, the schoolboys, and the hospital staff and students, respectively. A common enough recommendation to a restaurant runs: "You can get pretty well anything you like, but you don't have to look too closely at the bill." An employee working part time says to his employer: "Will you be telling what you are paying me to the income tax? Because I don't want them to take any of it. And I shan't be telling them myself." Illegal premiums; black market building; have not all of us heard these things or something very like them? And are they not so often heard that we begin to regard them as normal conversation? We may decline to join in and refuse to applaud, but we feel reluctant to condemn them. After all, everybody seems to be doing it, and who are we to sit back smug and self-satisfied? Gradually this sort of atmosphere must influence all but the strongest-minded. More and more people will tend to accept as common practice what others do and talk about so openly. Indeed, these very things will actually become common practice so soon as they are generally accepted. In all this there is a real danger that youngsters in particular will come to accept petty dishonesty as normal and even praise-worthy. And further, that once indifference to honesty is established in little things it will spread to bigger things. A revolution is going on, and it is reasonable to go forward, but we shall not go far by letting young people in whatever walk of life grow up without a social conscience. If they do so, the fault is not in the young, but in ourselves. Here is an opportunity and a challenge, for those who can seize it. There will come a time when either honourable men or dishonourable men can take the lead, out of the mental and moral whirlpool in which we are all swimming. At the root of all, maybe, there lies re-action, doubly, against that very sense of order we mentioned at the outset. For generations our educational system has boasted that it was showing the individual how he might develop, and meantime it forgot how poor a thing an individual is, developed for himself. Then came the first world war which brought the first taste of compulsory order and discipline to those born in the last twenty years of the nineteenth century. The fathers who were young in that war, and had been born into the individualistic nineteenth century, ate the sour grapes of enforced obedience, and the teeth of children and grandchildren now growing up were set on edge. Two whole generations have grown up believing discipline to be an evil force, instead of knowing it to be a liberation. Evacuation, bombing, and the loosening of social ties in the second world war have meant that many of today's adolescents are, and know they are, more ignorant than they would have been in other conditions: a schoolmaster writing in *The Times* has spoken of apprentices at trade schools who cannot multiply by more than five, or spell words of four letters. Again, and even worse, there comes the gap after leaving school at fifteen, a gap which there is small chance of filling for a great majority of lads. With parents, it may be, who have lost their own idea of order; with no outlet for most of them comparable to that which, for a few, is provided by the intense competition of a continuing school life between fifteen and eighteen, they are almost bound to drift. It is largely a matter of opening to them an adequate outlet for their energies such as for the easterner in the U.S.A. could be discovered a hundred years ago in "Go West, young man," or in pioneering days could, and to a more limited extent still can, for the most active in body and mind be discovered overseas. Youthful energy itself is largely neutral; it will turn out good or bad according to the guidance it receives. No doubt there are black sheep among the juvenile delinquents, and a still larger number of wild youths, square pegs who cannot fit the round holes of a smug civilization. There is nothing new in this group of problems. Thirty-five years ago a government committee on the health of munition workers called attention to them, speaking of boys at an impressionable age, when the influences to which they are subject will largely determine their ultimate outlook upon life. They are not old enough to be allowed unguided to control their own destiny. Hours of work frequently prevent attendance at clubs or classes, even when these are available, and, anyhow, today the general reaction against "mutual improvement" agencies which involve discipline is strong. From whatever aspect the matter is viewed, it is essential, said the committee in the first world war, that the causes of alleged ill-behaviour and conduct should be ascertained and appreciated. "Facilities alone are inadequate; the boys must be led to avail themselves of the opportunities offered." We are not, however, thinking in this article chiefly of external aids to good behaviour and good sense. These are not unimportant but they are not the vital need, and can indeed be overstressed. The problem is not one of externals, even though, as the Archbishop of York said in the Lords' debate: "There is general agreement that the unhappy home and the unhappiness of parents are two of the main causes which lead to juvenile delinquency. A number of parents who feel no responsibility for their children, who make no attempt to enforce discipline and obedience and let the child run wild. It is not always the fault of the parents. Homes are often so overcrowded that it is impossible for parents to keep the children in when they ought to be off the streets, but welfare workers are unanimous in their opinion that a great deal more could be done."

A solution can be found, if we are prepared to apply realism and understanding. Let the youth of Britain, and indeed of Europe, know that there are still worthy outlets for their spirit and even for their spirits: that "work of noble worth may yet be done, not unbecoming men." They have been born into a world at war or in the throes of an economic struggle for survival; a world in which old values have been thrown overboard into the cesspit of sharp practice. Replace vapid talk of reforming young offenders, as if they were a problem in themselves or a race apart, with a vision for all young Englishmen and English-women of the achievements still open to adventurers and pioneers. The greatest empire the world has ever known has gone, rotted by acedia and collapsed under disillusionment. But the young people of the British race still have character and

courage. Give them leadership, and they will build a fresh edifice, even from the ruins of the old. They will find, to quote *Hugh Dormer's Diaries*, "the Elizabethan qualities of daring and resource, and that same combination of love of adventure and love of one's country which I have lately come to appreciate so well."

CHIEF CONSTABLES' ANNUAL REPORTS, 1949

(*Continued from p. 207 ante*)

7. NORWICH

The population of the City is 126,236 and the area 7,923 acres. The authorized establishment of the force is 197 and the actual number engaged 174, including five police women. Entrants numbered twenty-three during the year and retirements sixteen, only four of this number left on pension. An inspector of the force has been appointed welfare officer. The present strength of the Special Constabulary is 109; the recruiting campaign commenced last November resulted in seven men being appointed. Ten new houses have been completed and are occupied and seven more are in course of erection.

Indictable offences numbered 1,002, a decrease of 284 on 1948 and the lowest number in any year since 1941; sixty-three *per cent.* were detected and 285 persons proceeded against, eighty-six less than the year before. Stolen property was valued at £22,956 of which property valued at £3,405 was recovered.

Women police were responsible for twenty-six arrests and thirty prosecutions by means of summons; they made 149 attendances at court and escorted twenty-five females in police custody. In relation to sexual offences 171 statements were taken. These features are in addition to routine duties of patrol, observation and the like.

There are 407 licensed houses in the City and during the year the police paid 5,115 visits of inspection. Proceedings were taken against three licensees and twenty-one other persons concerned in breaches of the liquor laws. Forty-two males and five females were charged with drunkenness, six cases were due to drinking methylated spirit; three males were prosecuted for driving motor vehicles whilst under the influence of drink.

Ten people were killed in road accidents, the same number as in 1948, two were children under eight years of age. In addition 197 persons were injured, seven more than in the previous year; altogether there were 1,375 traffic accidents, an increase of 201.

During the year a river patrol was inaugurated to patrol the rivers Wensum and Yare.

8. ROCHDALE

The population of the borough is 89,116 and the area 9,556 acres. The official establishment is 164 and the actual strength 132, including three police women. During the year six men retired on pension, five resigned and twenty-six appointments were made. In 1948 variations showed a loss of four men, last year there was a gain of fifteen men "and it would seem," points out the report, "that the turning point in man power has been reached." One hundred and twenty-eight applications were received and fifty-four men were examined educationally and physically, twenty-six were finally appointed. In the first six months of last year twenty-one applications were received out of which four men were selected; in the latter six months inquiries were made by 107 men and women and twenty-two were enrolled. Promotions involved are chief inspector, four inspectors and six sergeants.

Absence from duty due to injuries and ordinary ailments totalled sixty-three and 966 days respectively, an average of 7.8 days per man as against twelve and ten days per man during the previous two years.

An appeal for volunteers for the Special Constabulary was launched at the same time as the general appeal for civil defence personnel, sixteen men were accepted for service. The total strength at the end of the year was fifty-seven.

Six houses were completed in mid-1949 and the remainder of fourteen, mentioned in the previous annual report, will be ready for occupation early this year. In addition all the preliminary work has been completed for a further thirty houses in various parts of the town. Ten more would have been added but this was prevented by financial restrictions.

Crimes recorded numbered 882, compared with 1,027 in 1948 and 860 in 1947. The value of property stolen was £16,788 and £10,112 was recovered; fifty-seven *per cent.* of all crimes and forty-four *per cent.* of the breaking and entering offences were detected. Two hundred and ten adults and 113 juveniles were dealt with by the courts, seventy fewer persons than in the previous year.

There were eight fatal accidents and 270 in addition involving personal injury. In the previous year there were six fatalities; one of the killed was a child under fifteen years old. The total of 483 accidents was the highest for over ten years, except for 1947, when the number was 516.

9. BIRKENHEAD

The population of the borough is 151,513 and the area 8,598 acres. The authorized establishment is 361 and the actual number engaged 260. The Birkenhead and Wallasey part of the Mersey Docks is policed by sixty-five men of the Birkenhead force; the cost being borne by the Harbour Board, whilst in addition the Board contributes to the salaries of the chief constable, one superintendent, two inspectors and the police surgeon. Since recruiting recommenced at the end of the war 174 appointments have been made but the overall recovery has only added twenty-three men. Forty-one new entrants resigned because of housing difficulties, dissatisfaction over pay and conditions, to take other work, or being unable to settle down; four were discharged for misconduct and two as not likely to become efficient.

Five police women have undergone specialized training and perform all the normal duties. Variations in the force involved one promotion to inspector, nine to sergeant and one constable to the rank of acting sergeant. Twenty men retired on pension, ten constables resigned, three probationers were dismissed, thirty recruits were appointed and two constables transferred from other forces.

For just over twelve months a system of team policing has been in operation. The method aims at using rapid transport and wireless communications to the best advantage. It allows the patrolling police to vary widely the normal beat routine and to concentrate quickly a large number of men when and where required in emergency. Apart from normal supervision by senior officers the sergeant in charge of the section is given discretion to operate the team as he deems best in the circumstances.

During 1949 there was a decrease of 713 in the number of indictable offences, the total being 2,093 compared with 2,806

for the previous year ; fifty-four *per cent.* of crimes committed were detected. The value of property stolen was £17,121 as against £27,111 in 1948, and recovered £1,958 compared with £4,350 the year previous. There was a decrease in the number of children and young persons who appeared before the courts, 476 ; in 1948 there were 516.

Accidents totalled 978 and involved eight fatalities and 433 injured, compared with fourteen killed and 419 injured the previous year. Licensed houses number 213 and there were 132 charges of drunkenness, four more than in 1948 ; in addition nine men were prosecuted for being drunk in charge of motor vehicles.

[To be continued]

THE DOCTOR'S DILEMMA — NEW VERSION

By THOMAS GLOVER

The Local Government Act, 1933, requires county and district councils to appoint medical officers of health. In the opinion of the Ministry of Health medical officers should be wholly employed as such, and the office of district medical officer of one or more districts is usually held concurrently with the office of an assistant county medical officer.

One authority usually undertakes to pay the officer's salary and look after income tax and national insurance deductions, reclaiming from the other authorities a proportion of these expenses based on the allocation of the officer's time between his several appointments. These arrangements, however, still leave certain difficulties to be solved relating to superannuation.

Suppose that for ten years before July 5, 1948, a medical officer has divided the whole of his time equally, as district medical officer, between an urban and a rural authority. On that day, on transfer of functions to local health authorities, he becomes assistant county medical officer for half of his time, the remainder being divided equally between the two districts.

Apparently the districts are precluded from paying a transfer value to the county council. The officer has not ceased to be a contributory employee : Local Government Superannuation Act, 1937, s. 29 (1) and (2). Subsection (2), in any case, applies only where a contributory employee ceases to be a *wholetime* employee of a single local authority. Neither subsection is satisfied in this case.

If the officer now became incapacitated immediately after July 5, 1948, he would become entitled to three superannuation allowances. Assuming for clarity that the 1937 Act benefits applied in each case, the calculations would be :

District Councils—two pensions each of :

$$\frac{10 \times \text{Average Remuneration (say £1,200)}}{60} \times \frac{}{4} = \text{£50 each.}$$

County Council (based on non-contributing service) :

$$\frac{10 \times \text{(say £1,200)}}{120} \times \frac{}{2} = \text{£50.}$$

Total £150.

The same pensions based on contributing service would amount to £200. The officer would thus lose a quarter of the allowances for which he had paid contributions.

Now suppose that the officer did not retire immediately after July 5, 1948, but that ten years later, on July 5, 1958, relinquished his posts as district medical officer and became wholetime county medical officer. What is the transfer value position ? The officer has ceased to be a contributory employee of the district council, but has not within twelve months become a contributory employee under another local authority ; he is already a contributory employee of the county council. We may resolve this difficulty by deeming the officer to have relinquished simultaneously all his part-time appointments. On his appointment as county medical officer he again becomes a contributory employee of the county council, and transfer values are payable by the districts.

This, however, does not operate equitably as between the respective superannuation funds. In aggregate, the transfer values will be based on twenty years' contributing service and on only half the officer's salary, despite the fact that ten years of that service, during which all the relevant contributions went to the district councils, amounted to wholetime service.

In respect of those ten years the county council receives in effect only half the just transfer value, and in exchange must henceforth treat those years as contributing service and base its liability in respect of those years on the full salary instead of only half of it. The officer, of course, is relieved of the injustice under which he had suffered in his joint appointment.

Now suppose that our versatile officer, instead of becoming county medical officer on July 5, 1958, merely has his time re-allocated between his three appointments. If more of his time is now given to the county council, which reckons some of his service as non-contributing, his pension position will suffer, since the "average remuneration" in respect of his several appointments will be redistributed in favour of non-contributing service. Although, moreover, the contingent liabilities of the several authorities have been disturbed, no provision exists for payments of compensating transfer values.

If, when a joint appointment is made, a transfer value is received and apportioned between several funds, there is no power to reapportion it later, if the agreed time ratio between the authorities is subsequently altered, unless a new authority is admitted into the joint arrangement, and only then if the new authority partakes within twelve months of the first apportionment. In any other case, the new authority must treat all former service as non-contributing service, to the detriment of the officer. It might, of course, up-grade this service when the officer retired, but the burden in such cases would always tend to fall most heavily on the authority already aggrieved by the unfair operation of the transfer value regulations.

We turn now to difficulties of another kind. District councils are not local health authorities. Their officers, under the 1937 Act, cannot retire at sixty, after ten years' service, as county medical officers can under Part III of the National Health Service (Superannuation) Regulations, but must serve until they have completed forty years' service—a virtual impossibility for a doctor—or are sixty-five years old.

The choice for most "joint" medical officers at the age of sixty, therefore, lies between retirement from the service of the county council, which will probably involve resigning from their district appointments also, or carrying on in all appointments up to age sixty-five. In the former case, if the district councils required their resignation, they would merely receive their contributions back with interest, their pensions—perhaps the only part of their pension benefits which otherwise would have

been fairly assessed—being lost to them. There would remain, in the case quoted above, only one half of the "just" pension, which by the reckoning of former service on a non-contributing basis, would itself be improperly reduced by one quarter, as shown above.

There is apparently no solution to this unsatisfactory situation, short of amending legislation. One county council, which secured a common-sense arrangement with its district councils to admit joint medical officers into its own fund in respect of all their joint appointments, now learns that "the Minister appreciates the considerations which have led the constituent councils to make such a proposal, but having regard to the provisions of s. 4 (1) of the Act, the Minister is not aware of any authority which would enable the councils to adopt the course proposed." The county council has therefore reluctantly abandoned the proposal.

A joint sub-committee of the Society of County Clerks of the Peace and the County Accountants' Society recently stated: "We have considered whether the difficulty could be overcome by making the officers the employees of one authority only . . . and to deem the service with the other authority service by secondment. Counsel has advised us that that course would not satisfy the statutes governing the appointments of officers. He advises that the functions of district medical officers of health can be discharged only by an employee of the district council in which alone is vested the authority to make appointments pursuant to ss. 106 and 107 of the Local Government Act, 1933."

The joint committee suggested two possible amendments of the law designed to resolve the conflict between the two schemes, neither of which however, would rectify the anomolies in the reckoning of service, explained above. The first is to give each joint medical officer the option of being treated uniformly, in all his appointments, under one scheme or the other, or alternatively of being treated separately under the provisions appropriate to each of his several appointments. This would not necessarily imply bringing him into a single fund.

The second possibility was to make the officer subject to the scheme appropriate to his major appointment.

Pending such amendment, applicants for joint appointments should have the superannuation position fully explained to them.

To these suggestions may we add :

1. In some counties, local circumstances permitting, a careful grouping of districts might be possible whereby, without detriment to efficiency, district medical officers could be employed wholly by county district councils, thus minimizing the number of officers affected by two schemes.

2. New legislation on the lines of reg. 43, whereby officers employed jointly by local authorities and the National Health Service may be "attracted," if they wish, wholly into the Minister's scheme, to the exclusion of the local authority's scheme. Under like arrangements part-time district medical officers employed by the county council could be "attracted," subject to a similar option, into the county scheme. This suggestion, unlike the first, would take care of the question of the reckoning of service, since all service would rank as contributing service or non-contributing service according as to whether contributions had been paid, irrespective of changes in the administrative arrangements.

3. As a temporary expedient, it might be possible in a genuine emergency to permit the officer to relinquish his district appointments on the day preceding the date on which he is due to retire from the county council's service. He might then be appointed for one day by the county council as a whole-time officer. Transfer values would then be payable by the district councils and the officer would (normally) be dealt with under Part III of the National Health Service Superannuation Regulations in respect of all his service. This would obviate any injustice to the officer, though it might, as already explained, leave the county council out of pocket, since the transfer values, in so far as they related to former contributing service in which the county did not participate, would be based only on the officer's "fractional" remuneration at the material date, whereas the pension would be based on the whole remuneration.

These particular problems will doubtless be resolved by legislation very soon ; but that is no real answer to our troubles. At best it would only be hole-plugging. If superannuation has reached the stage of complexity where even Whitehall can no longer foresee the glaring anomolies which keep coming to light, it is clearly beyond repair. Only a new and simplified scheme can really meet modern requirements. But that, perhaps, is asking too much.

EXTENDING BOUNDARIES AND LIBERTY

In the present session of Parliament, there are several borough extension Bills, a phenomenon which has not occurred for a good many years. A minor point by comparison with the question whether an extension shall be granted, with the economic and governmental changes this produces, but a point of much interest to many people, is what shall happen to the control of certain entertainments, where the absorbing area and the absorbed area have different rules. The first matter, and the simpler, is in regard to Part IV of the Public Health Acts Amendment Act, 1890, relating to places where musical entertainments and so forth are given. In a borough or urban district Part IV can be put in force by adoption, and the local authority are not bound to give any public notices except of the fact of adoption, that is to say, people who may be interested either as the providers of entertainment or as the users of places of entertainment have no such statutory opportunity of objecting to the application to them of new legal restrictions as is given in regard to byelaws. In a rural district the council cannot adopt Part IV without the consent of the Secretary of State (formerly the Minister of Health as successor to the Local Government Board) and we believe it is the practice to require a rural district council to give the like notices as would be given by an urban district council, but here again there is no statutory opportunity of lodging objection. This being so, we see no objection to extending Part IV of the Act of 1890 to added areas by a local legislation Bill. It may no doubt happen, where the added area is extensive, that the merits are quite different as between that area and the original borough, but Parliament has not in the Act of 1890 taken steps to ensure that the merits, or the wishes of persons directly or indirectly affected, shall be considered, so that no principle is infringed by imposing the restrictions in that part of the Act upon new areas without consulting their inhabitants. A potentially more difficult matter is what to do in an extension Bill about the Sunday Entertainments Act, 1932, in regard to which Parliament has in the general law made elaborate provision for securing evidence of public wishes, and has reserved to itself the ultimate decision on the merits of each case. It has not, we believe, yet had occasion to consider the relation between local legislation and the Sunday Entertainments Act, 1932.

The most usual case is likely to be that in which the Sunday Entertainments Act, 1932, has been applied in the existing borough, but not in the areas proposed to be added. Will the cinemas in the added areas come under the Act of 1932 so that they may be opened on Sunday? If so, the people, if any, in the added area who object to Sunday opening may feel they have a grievance. To our mind, however, there is a fundamental difference between extending restrictions or obligations upon private persons, and extending a facility such as that given by the Sunday Entertainments Act, 1932. All that that Act does is to allow cinema proprietors to do something they could not otherwise do, thus giving a facility to persons who care to take advantage of that facility. It does not compel them to open, and persons who do not wish to take advantage of the facility are in no way damnified. They are still at liberty to disapprove of the conduct of their neighbours in going to the cinema on Sunday, and to regret that facilities are available for the pleasure of their neighbours. The alternatives are, therefore, upon the amalgamation of two local government areas, to extend to the smaller the freedom already (usually) enjoyed by the larger, or to preserve the *status quo* in each. The rule that the absorbed area falls into line with the absorbing has, we understand, been accepted in practice where boundaries have been altered by county review orders since 1932. On the whole, the better course seems to be to let the extension Bills be used for extending human freedom, without the elaborate flummery of polls and submission to both Houses of an order of the Secretary of State which, for the sake of peace, Parliament enacted in 1932.

WEEKLY NOTES OF CASES

KING'S BENCH DIVISION

(Before Lord Goddard, C.J., Humphreys, Byrne, Morris and Finnemore, JJ.)

R. *v.* NORFOLK JUSTICES & ANOTHER ; *Ex parte* DIRECTOR OF PUBLIC PROSECUTIONS

May 3, 1950

Justices—Sentence—Committal to quarter sessions for sentence—Committal invalid—Refusal of quarter sessions to adjudicate—Power of justices to call on defendant to appear before them for sentence—Criminal Justice Act, 1948 (11 *and* 12 *Geo.* 6, *c.* 58), *s.* 28 (1), *s.* 29 (1).

APPLICATION for order of *mandamus*.

At a court of summary jurisdiction for the petty sessional division of South Greenhoe, Norfolk, one Leonard Pocock (" the defendant ") appeared to answer seven summonses charging him with offences under the Bankruptcy Act, 1914 (as amended). The justices dealt with the offences as summary offences, and on December 5, 1949, decided to convict on all the charges. The defendant then asked for six other similar offences to be taken into consideration, and the justices decided to commit him to Norfolk Quarter Sessions for sentence under s. 29 of the Criminal Justice Act, 1948, and admitted him to bail. Both the prosecution and the defence acquiesced in this course. Quarter sessions formed the view that the committal was bad on the ground that the justices had dealt with the case under s. 28 (1) of the Act of 1948, and made no order except to discharge the defendant's bail. The Director of Public Prosecutions issued fresh summonses in respect of the same offences as were alleged in the original summonses, calling on the defendant to appear to be sentenced for the offences of which he had been convicted. The summonses were returnable for February 27, 1950, on which day the justices sat again and declined to proceed further with the matter. At the instance of the Director of Public Prosecutions, an application was made for an order of *mandamus* directing the justices to hear and determine according to law the charges against the defendant, or, alternatively, directing them to impose a sentence on him in respect of the offences of which they had convicted him.

Held, that (i) *mandamus* must issue directing the justices to pass sentence on the defendant, as there had been no adjudication by them finally disposing of the matters in issue between the parties, and, therefore, the justices were not *functi officio* ; (ii) as the case was in the position in which it would have been if the justices, instead of committing the defendant to quarter sessions for sentence, had adjourned the case after conviction without proceeding to judgment, notice must be given to the defendant that on a named date the justices would proceed further to hear the case and calling on him to attend the court.

Counsel : *The Attorney-General* (*Sir Hartley Shawcross, K.C.*) and *Harold Brown* for the Director of Public Prosecutions ; *Christmas Humphreys* for the justices ; *J. P. Widgery* for the defendant.

Solicitors : *Director of Public Prosecutions* ; *Treasury Solicitor* ; *Copeman & Pettefar*.

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law.)

REVIEWS

National Insurance (Industrial Injuries). Second Edition. By Douglas Potter and D. H. Stansfeld. London : Butterworth & Co. (Publishers) Ltd. Price 21s. net.

This second edition brings up to date a work published in October, 1946, immediately after Royal Assent was given to the National Insurance (Industrial Injuries) Act, 1946. The Act did not come into operation until July, 1948, and in the interval there were necessarily various statutory rules and orders or statutory instruments implementing its provisions. Since it came into operation, there have been a number of Commissioners' decisions dealing with various types of benefit obtainable under the Act of 1946, and there has been an important decision of the Court of Appeal. The present edition is therefore a landmark for the lawyer or trade union official, or the official of a company or employers' organization, who may be called upon to advise on the effect of the Act of 1946. While that Act swept away as from the middle of 1948 (except in regard to injuries which had already occurred) the tangle of the Workmen's Compensation Acts, and thus greatly simplified the law, it was in itself breaking new ground, which could not all at once become familiar. Examination of the notes upon particular sections such as s. 7 (" right to and description of benefit ") will show how many points of detail there are which call for elucidation. The section just mentioned, for example, is quite short but the notes on it range from (*a*) to (*t*), every one of them embodying information which is important to the claimant. While the first edition of this book was issued as *Statutes Supplement* 35 in *Butterworths Annotated Legislation Service*, the second edition is not being so issued, and will only be supplied upon purchase in the ordinary way. It comprises the Act of 1946 fully annotated, the short amending Act of 1948, noted up in its proper place, and subordinate legislation covering more than one hundred pages, the whole of the latter having appeared since the first edition. It is difficult to imagine that any other work could cover the ground more completely, or that those who have to do with the administration of the Act could carry on successfully without this work.

The Law of Rent Restriction in Ireland. By John R. Coghlan. Dublin, Eire : Dollard Printinghouse, Dublin, Ltd. Price 27s. net.

Rent restriction in Ireland began with the statutes of the Imperial Parliament passed in the first world war. After the establishment of the Free State, the law as it then stood in Southern Ireland was consolidated in 1923, upon a method criticized by Mr. Justice Black of the Dublin High Court in his foreword to the present book as "scissors and paste " : this foreword, by the way, we would respectfully describe as brilliant. Since that time there have been further Eire statutes, until in 1946 the legislature, taking its courage in both hands when the Imperial Parliament still shrank from tackling the problem, effected a new consolidation upon more scientific lines. Since that date there has been one amending Act. Mr. Coghlan has, therefore, in the present second edition of his book upon the Southern Irish Acts had an easier task than in the earlier edition, and an easier task than members of the English bar who have produced textbooks upon the legislation in Great Britain, in that he has, as the basis of his work, a text properly arranged by the parliamentary draftsman. Up to 1946, however, Eire was without consolidation later than 1923, so that decisions upon the sections now repealed are still in point. We gather from Mr. Justice Black's foreword that this is the first attempt which

has been made to produce in Southern Ireland a book comparable to the several English textbooks upon British law, and it may be that, on several provisions which are common to the two countries, illumination will be found in the Southern Irish decisions. It is of course to be remembered that the word "Ireland" on the title page means the present Republic of Ireland, exclusive of Northern Ireland which has its own rent restrictions law, in part derived from the old British statutes and in part moulded by its own legislature. Although decisions of the courts in Ireland, north or south, are not binding in this country, nevertheless there is so strong a common tradition of interpretation that they are frequently helpful. Practitioners who do much rent restriction business in England may therefore find it quite worth while to obtain this book. They will, no doubt, find it essential upon doing so to prepare for themselves a comparative table of sections, so as to show how the re-arranged Irish Act of 1946 corresponds with the tangle of our own law. We may perhaps suggest to the Dollard Printinghouse Company that, in some future edition, they might insert such a table of comparison, with a view to increasing their sales on this side of St. George's Channel. Another suggestion is that the typography might be reconsidered. The sections themselves have throughout this book been printed in a type much smaller than the notes. The notes themselves are divided by Clarendon headings and very clearly printed—this is all to the good, but it does tend rather to hide the provisions of the Act itself. It should be added that, after the Eire legislation which occupies the bulk of the book, there are a dozen pages of Northern Ireland notes which set out the Belfast statutes and statutory orders, with a brief general explanation of particular points and cross references between the Acts and legal publications.

Government by Decree. By Margueritte Sieghart. London : Stevens & Sons, Ltd. Price 30s. net.

This is another of the works of moderate size and reasonable price, upon philosophic aspects of the law, which Messrs. Stevens have been producing since the war. Dr. Sieghart is, we gather, an English speaking lawyer of continental descent and qualifications, like some others whose books by the same publishers we have reviewed in recent months. Such authors are a valuable corrective to the normally insular trend of English legal thought. Here a fresh mind is brought to bear upon the problem of legislating by some other means than statute, with the consequential, or at least allied, problem of reaching decisions in some *forum* other than that of the ordinary courts. There is a foreword by Dr. C. K. Allen, who is now prepared to follow Professor Robson (and others) to the point of agreeing that subordinate legislation in lieu of an Act of Parliament, and the decision of certain issues by tribunals other than those constituted for trying issues between one private person and another, have become inevitable in a modern industrial community. This leads to the thesis which we have ourselves advanced so often, that English law ought to find some way of setting up a general administrative court, though we doubt whether England has anything to learn in this sphere from the recent *Code of Administrative Procedure*, promulgated in the United States. The object at which Dr. Allen would aim in his revised approach, is stated in the body of the present work by Dr. Sieghart, namely, how to organize the existing administrative law in order to give the greatest possible protection to the individual. This purpose, one sided as it is, and philosophically questionable, is (so far as it goes) a legitimate method of approach. It is from this side that Dr. Sieghart examines first the history of "the ordinance" in England, from the earliest times up to 1947, and then parallel developments in France, with particular reference to French administrative law. It is unfortunately true that for many English lawyers Dicey's earlier misapprehensions (afterwards largely corrected) about French administrative law are almost axiomatic. Dr. Sieghart's exposition with her commentary on Duguit, probably the French writer on the subject who is most known in this country, should therefore be helpful. There is also a summary, valuable to the English reader who finds the developments of French constitutions in the nineteenth century an impenetrable jungle, of the steps from the (first) Revolution to the "Liberation." It may be inevitable at the present day that writers shall approach these topics with political preconceptions, not necessarily in the sense of party politics but based upon their mental attitude, here and there swung further by events in their own lifetime—such as the establishment in France of the Pétain *régime*, which Dr. Allen sees as a sort of apotheosis of the tendencies he has resisted since he made his home in England. Dr. Sieghart's approach is, for the most part, not so evidently political, though politics appear sometimes and especially upon the final page. If we should have liked something about other Continental countries, where developments have been parallel to but not the same as those in France (for, after all, this is not ostensibly a book about France), our saying so is no depreciation of the value of the book within its limits. It is a work to be taken into account by all serious students of the art of government.

Court Circular. By Sewell Stokes. London : Michael Joseph, Ltd. Price 10s. 6d.

This is a book full of human interest which tells from the inside the story of an aspect of life with which most of us have little or no contact. The author has the imagination and ability to describe graphically both incidents and people, and has produced a book which it is hard to put down until one has finished reading it.

In his "author's note" Mr. Stokes claims that he was determined at all costs to avoid causing embarrassment to anybody and to disguise the characters in the book heavily enough to put them beyond reach of identification. He further claims, however, that what happens in the book did happen to him, in one way or another, while he was acting as a probation officer and that the reader is not entitled to disbelieve a single word in the narrative.

We find these claims difficult to reconcile. The methods and prejudices of Mr. Allport and Sir Maxwell Lucy, the two magistrates who figure largely in the book, are instanced from time to time in such a way as to give a strong impression that they attach to individuals rather than to scrambled composite beings (the author states that he has scrambled the characters). Similarly Mr. Gentle and Miss Bundy, Mr. Stokes's colleagues, appear to ring true in spite of the scrambling. If any magistrate fancies that he recognizes himself as being portrayed by the author he probably will not be greatly concerned ; but if Mr. Gentle and Miss Bundy exist in reality they may well wonder why Mr. Stokes, who on his own showing was so well treated by them, should have thought it necessary, or possibly amusing, to make fun of them as he appears to have done.

Perhaps the author in addition to being somewhat of a cynic is also a natural rebel against all fixed methods and routine. He makes it clear, for instance, that having undertaken voluntarily a position of trust as a prison visitor he broke the prison rules by taking into and out of prison for prisoners he was visiting articles forbidden by the rules. It is not given to all of us to appreciate the motives that prompt such an action. We have no doubt, however, that Mr. Stoke's readers will enjoy most, if not the whole, of this somewhat unusual book.

This Old Wig. Being some recollections of the life of a former London Metropolitan Police Magistrate. By J. B. Sandbach, K.C. London : Hutchinson and Co. (Publishers) Ltd. Price 10s. 6d.

Here we have some reminiscences and reflections of a man whose life has always been interesting, as that of a busy barrister who attains judicial office is sure to be, and, as this small book seems to indicate, almost always happy. There was one tragedy, the death at sea of both his parents in the terrible *Drummond Castle* disaster. A son of the manse, Mr. Sandbach went from the Leys School to Cambridge and then to the bar. Apparently he was not "as many young barristers are, an impecunious party," for he was able to marry even before he was called to the bar. He acquired a good practice in the north, enjoyed circuit life and in due time took silk. Soon afterwards, he was appointed a metropolitan magistrate and spent over twenty years on the bench.

If there is nothing exciting in the book there is plenty of incident and anecdote, telling of school and university, travel in Morocco, and the life of a barrister and a magistrate. The author is always modest. In his early days at the bar he wrote a book, for which he says he had no qualification, and which a barrister friend described as the foulest book he had ever consulted. However, it was kindly reviewed and brought its author the work which at that time he much needed.

What must strike every reader, what will make him enjoy the book, is the personality it reveals throughout : kindly, friendly and tolerant, anxious to be lenient, wishing to see the best in other people. Rather surprisingly, this experienced magistrate, who must have come across so many admirable people in his varied career, has chosen to dedicate his book, "For the Barrow Boys who follow their honourable and useful calling in the West End of London—with respect and affection." Are they really as good as all that ?

There is a somewhat cryptic observation on page 55, where the author quotes : "And do as adversaries do in law—strive mightily but eat and drink as friends," and adds "I think Bacon wrote that." This is probably Mr. Sandbach's way of telling us he is one of the people who believe Bacon wrote Shakespeare, for the passage can be found in the Taming of the Shrew, Act I.

The Police College Magazine. Volume One, Number 3, March, 1950. Published half yearly by the Police College, Ryton-on-Dunsmore, near Coventry. Annual subscription 4s.

As Sir Harold Scott says in his foreword, a College tradition is in the making, but no institution can rely wholly on tradition and live. There must be also a readiness to experiment in new methods of tuition and training, and in this respect the College shows every sign of vigorous life. The magazine provides not only a record but also a forum for discussion. The Commandant's reflections show that he

looks forward with confidence to greater activity and increased influence; in particular he noted the coming of Dominion and Colonial students to the college and the help afforded by many distinguished visitors who come again and again to the College.

This number contains interesting articles, including the report of an address by Air Chief Marshall Sir John Slessor on Command and Leadership, and another by Dr. J. S. Hopwood on Mental Abnormality in Relation to Major Crime. Police officers contribute interesting articles, among them one on archery, a detective sergeant contributes a poem, and there are humorous features as well. The magazine is well illustrated and altogether attractively produced.

Criminal Investigation. Adapted from the System Der Kriminalistik of Dr. Hans Gross. Professor of Criminology in the University of Prague. Fourth edition, edited by Ronald Martin Howe, M.C., Barrister-at-Law, Assistant Commissioner Criminal Investigation Department, New Scotland Yard. London: Sweet and Maxwell, Ltd. Price £1 7s. 6d.

This is described as a practical textbook for magistrates, police officers and laywers, but it is none the less a fascinating book for those who are interested (and most people are) in crime and its detection and the constant battle between the criminal and the policeman.

Anyone who has opportunities of judging must have been struck by the legal knowledge acquired by police officers, which enables them to deal with difficult situations and arrive at quick decisions with very few mistakes in law. Even that is not all, for, as this book shows, the detective-officer must acquire a not inconsiderable amount of scientific and other knowledge if he is to be capable of circumventing the modern type of criminal, who is sometimes well educated and possessed of technical knowledge and skill. The investigator will learn when to call in the expert, but when time presses he may have to act before he can consult the specialist, and in this book he will find sure guidance. Even criminal psychology may help the investigator in such matters as the questioning of suspects.

The qualities required of an investigator might well discourage the young aspirant for detective work, but fortunately it does not. Here is the list: "The investigator should be endowed with all those qualities which every man should desire to possess—indefatigable zeal and application, self-denial and perseverance, swiftness in reading men and a thorough knowledge of human nature, education and an agreeable manner, an iron constitution, and encyclopaedic knowledge." Beyond this, it is said there are also some special qualities to be looked for in an investigator.

The handling and examination of clothing, fibres, hair and other materials, even including dust, is a delicate matter if clues and evidence are to be preserved for use by the scientist or for production in court. All this is explained, and there is an interesting passage on occupational dust, which may often help in an investigation and in the search for the perpetrator of a crime. We are all familiar with the work of identification by finger-prints, but here we can learn something about footprints and palmprints. Even the imprint of part of a man's palm may lead to identification, and the vent of a glove may allow enough to be recorded to lead to detection, a fact which we hope will not become generally known among criminals.

There is some valuable information on the subject of conducting interviews and detecting shams. For example, a suspect may seek refuge in feigned deafness, but there are ways of testing the genuineness of this affliction, as is shown here. Indeed, the author seems to have covered almost every conceivable situation and thought of every possible difficulty. There is a dissertation on "sharps," including, of course, card sharpers, their characters and characteristics, which may help others to recognize them for what they are.

Mr. Howe, the present editor, has had long experience in the field of criminal investigation, first in conducting prosecutions as a member of the staff of the Director of Public Prosecutions, and for many years past as an Assistant Commissioner in the Metropolitan Police, and this book could not have been placed in more competent hands. Originally written by an author who was used to a continental procedure often differing profoundly from that of this country, the work contains certain advice and statements as to methods which could not be accepted under our law. Mr. Howe decided, we think wisely, to retain as much as possible of the original text, for the differences of method will be easily realized and no one is likely to be misled. Mr. Howe's own footnote on page 55, brief as it is, gets to the root of the matter and should be read thoughtfully and taken to heart.

The book abounds in excellent illustrations and diagrams and is admirably produced.

Parliamentary Procedure in South Africa. Second Edition. By Ralph Kilpin. Cape Town and Johannesburg: Juta & Co., Ltd., 1950. Price 21s.

This is the second edition of a work which we do not remember to have seen when it first came out in 1946. It may be that it was not at that time readily available in this country: it is now to be obtained from Messrs. Sweet & Maxwell of Chancery Lane, or from the Hansard Society.

The Parliament of the Cape of Good Hope first met in 1854, and the British South Africa Act, which established the Union, contemplated that the practice of the Cape Parliament would be the foundation of the rules and practice of the Union Parliament. The author of this work, who is Clerk of the House of Assembly at Cape Town, has brought it up to date as at the end of the 1949 session of Parliament. By comparison with *Erskine May*, one is inevitably impressed by the small size of the book, and the simplicity of South African procedure, which has not had time, and perhaps not the special justification or excuses, for becoming encrusted with the exceptions and particular rulings which mark the proceedings of our own House of Commons. Detailed examination shows that South African procedure has borrowed from *Erskine May* when necessary, and that there are close parallels between the two countries. Notwithstanding that a former Secretary of the Cape House of Assembly declared that the Parliament of Cape Colony was in no sense a court of justice, and, that the House of Assembly was not a member of the High Court in the same sense as the British House of Commons, the procedure for private Bills has been adopted in South Africa very much on British lines. One finds also in this work that the British procedure of questions to Ministers, punishment of breach of privilege, reference to committees, and so forth, has been followed in essentials. The work was no doubt produced primarily for South African use, but the comparison should be valuable also for British students of constitutional law and practice.

The Law Affecting Tribunals. By T. S. Newman and W. Tudor Davies. London: Stone and Cox, Ltd. Price 1s.

The title of this booklet is misleading until it is realized that the words "National Insurance Acts" printed above it on the cover limit its scope. It professes to do no more than to set out, briefly and in general terms, the duties of the tribunals and medical boards set up under the National Insurance Act, 1946, and the National Insurance (Industrial Injuries) Act, 1946. It is in fact a catalogue of or index to the statutory provisions and statutory instruments relating to these *ad hoc* bodies. It covers twenty-three small pages, and it may well be, as the publishers hope, that the information contained will be of help and guidance to persons called upon to serve upon them.

LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 34.

PERMITTING PREMISES TO BE USED AS A BROTHEL

A man appeared at the magistrates' court, Guildhall, Norwich, earlier this year, charged with being the occupier of certain premises in Norwich and unlawfully and knowingly permitting the premises to be used as a brothel between January 6 and February 6, 1950, contrary to s. 13 of the Criminal Law Amendment Act, 1885. A twenty-eight year old woman was also charged with unlawfully assisting in the management of a certain brothel at the same premises between the same dates, contrary to the same section of the Act.

For the prosecution, it was stated that the premises were kept under police observation on various dates between January 6 and February 6, 1950, during which time three different women and numerous American service men had been seen to go into the house.

It appeared that the woman defendant was housekeeper to the male defendant, and she had herself admitted girls in company with American service men, and taken Americans there herself.

A detective inspector gave evidence that the house was a six-roomed terraced house, and that on a date in February at about 10 *p.m.*, he kept observation on the house, and during this time he saw five women and seven men enter the house. Five of the men were American service men. The inspector added that he saw one American soldier and one woman leave after being there about two hours and two men leave after being there about one hour. At about 1.40 *a.m.*, witness stated he knocked on the front door, and when the male defendant saw him through a broken glass panel in the door he ran towards the back of the house shouting either "Look out, police" or "Quick! the police."

As he entered an upstairs room, added the inspector, he heard the male defendant say to two women there "Now don't you let me down. Remember what I told you." In the room also were two American staff sergeants, and in another room three American sergeants.

Both defendants pleaded not guilty, and the male defendant said that he was only in receipt of 26*s.* unemployment pay and that he had to let the rooms in order to live. He had been unaware of what was happening in the rooms.

The female defendant said that she was housekeeper to the other defendant, and that whatever had occurred in the house had nothing to do with her.

The justices decided to convict, and the male defendant was sentenced to three months' imprisonment, and the female defendant to two months' imprisonment.

COMMENT

Section 13 (1) of the Act provides that any one who keeps or manages or acts or assists in the management of a brothel shall be guilty of an offence. There has been considerable judicial consideration of the meaning of these words and in particular as to the definition of a brothel.

In *Singleton* v. *Ellison* (1895) 59 J.P. 119, it was decided that where a woman used premises in her own occupation for the purpose of prostituting herself therein with a number of different men but did not allow any other woman to use the premises for a like purpose she could not be convicted of keeping the premises as a brothel. In that case Mr. Justice Wills stated that a brothel meant the same thing as a bawdy house and added that it was a place to which persons of both sexes were allowed to resort for purposes of prostitution. He referred with approval to the definition offered by Grove, J., in *R.* v. *Holland* *JJ.* (1882) 46 J.P. 312, where the learned judge described a brothel as "premises kept knowingly for the purpose of people having illicit sexual connexion there."

In *Caldwell* v. *Leech* (1913) 77 J.P. 254, the Divisional Court held (Ridley, J., dissenting) that premises cannot be in law a brothel unless there are at least two women using them for purposes of prostitution. In that case there was evidence that a female prostitute lived at an address in Liverpool with her sister and brother-in-law, and that she frequently took different men to the premises for the purpose of prostitution, and the sister of the prostitute was charged with managing a brothel. The justices found that the defendant admitted her prostitute sister to the premises at night on several occasions when she was accompanied by a man, and knew for what purpose the prostitute sister was using the premises, and they further found that the defendant herself never acted as a prostitute and that no woman other than the prostitute sister used the premises for the purpose of prostitution.

In supporting the majority judgment, Avory, J., cited with approval the judgment of Wills, J., in the case of *Singleton* v. *Ellison*, *supra*.

In *Winter* v. *Woolfe* (1931) 95 J.P. 20, where there was evidence that premises used as a dance hall in the vicinity of Cambridge were used habitually by a number of working class girls accompanied mostly by undergraduate members of the university, and acts of sexual intercourse and other acts of a lewd and indecent character were seen upon the premises by the police, some of which were alleged to have been committed in the presence of the defendant and her son, it was held by the Divisional Court that the fact that the women frequenting the premises were not convicted prostitutes and that there was no evidence that they received payment in respect of the acts of indecency which had taken place on the premises or that the defendant had made any profit out of the conduct of the premises, did not prevent the justices from convicting the defendant of permitting the premises to be used as a brothel.

Avory, J., in delivering the leading judgment, said that, in his opinion, the magistrates had given too restricted a meaning to the words "brothel" and "prostitution" and he referred approvingly to the judgments of Grove and Lopes, JJ., in *R.* v. *Holland* (*supra*).

The penalties provided by the Criminal Law Amendment Act, 1885, for infringements of s. 13 have been repealed and by s. 3 (*c*) of the Criminal Law Amendment Act, 1922, an offender is liable on summary conviction to three months' imprisonment or a fine of £100, and on a second or subsequent conviction to six months' imprisonment and a fine of £250.

Difficulty has arisen in magistrates' courts in dealing with cases brought under s. 13 of the Act because of the provision that a second or subsequent offence is punishable with six months' imprisonment.

In *R.* v. *Beesley and Others* (1909) 73 J.P. 234, the Divisional Court reviewed a decision of Mathew and Charles, JJ., in *R.* v. *Fowler* (1894) 64 L.J.M.C. 9, to the effect that where a previous conviction was unknown to the justices until they were about to pass sentence, the defendant had been rightly sentenced to an adequate penalty as for a first offence. In the *Beesley* case a majority of the court (Lord Alverstone, C.J., dissenting) refused to follow the decision in *R.* v. *Fowler*, holding that it had been wrongly decided.

In *R.* v. *Beesley*, a woman was charged with keeping a brothel, and the justices heard the case and made up their minds to convict, but before passing sentence they inquired if anything was known about the defendant and thereupon a police constable stated, not upon oath, that she had been previously convicted of a similar offence four or five times. The justices then sentenced the defendant to three months' imprisonment.

The defendant appealed to quarter sessions on the ground that under s. 17 of the Summary Jurisdiction Act, 1879, she should have been informed that she had a right to trial by jury, but the learned Recorder dismissed the appeal on the ground that the information on which the defendant was charged only disclosed an offence for which not more than three months' imprisonment could be given.

Walton, J., in delivering one of the majority judgments said "It seems to me that in the present case evidence of the previous convictions was given on behalf of the prosecution and thereupon the justices were entitled to pass a sentence of more than three months' imprisonment and it was their duty to consider whether they would do so and therefore I cannot resist the contention that, from the moment when evidence of the previous convictions was given, the charge became a charge for which a heavier punishment might be inflicted. From that moment the person charged was in peril of a term exceeding three months and from that moment she had a right to exercise the option of being tried by jury, and the justices were bound to give the warning prescribed by s. 17 (2) of the Summary Jurisdiction Act, 1879."

In *R.* v. *Huberty* (1906) 70 J.P. 6, where a defendant was indicted at the Central Criminal Court under s. 13 of the Act for keeping a brothel after a previous conviction for a similar offence, the then Common Sergeant, Mr. F. A. Bosanquet, K.C., expressed the opinion that proof of the previous conviction should not be given until the jury had found the defendant guilty of the subsequent offence.

(The writer is indebted to Mr. H. A. Sharman, clerk to the Norwich City Justices for information in regard to this case). R.L.H

THE WEEK IN PARLIAMENT

By Our Parliamentary Correspondent

The Secretary of State for the Home Department, Mr. Chuter Ede, states in a written Parliamentary answer that under an Order in Council made on March 31—Statutory Instrument No. 517—Part I of the Justices of the Peace Act, 1949, except s. 8, Part V except two subsections of s. 29, and the whole or part of ten other sections, are due to come into force on June 1 next, and s. 13 is to come into force on January 1 next.

He adds that he cannot say when the remaining sections of the Act are likely to be brought into force.

LEGAL AID ACT

The Attorney-General, Sir Hartley Shawcross, states in a written answer that it is hoped to bring into force on October 1 that part of the Legal Aid and Advice Act which has not been deferred and, before that date, to provide the public with full information as to how to apply for legal assistance in the classes of litigation which the provisions of the Act will then cover.

COST OF APPROVED SCHOOLS

Mr. J. Morrison (Salisbury) asked the Secretary of State for the Home Department what was the average maintenance cost per head in approved schools and remand homes.

Mr. Ede replied that the average weekly cost per head of maintaining children in approved schools was estimated to be £5 12s. in 1950-51. He regretted he could not give a comparable estimate for remand homes as figures on which to base an estimate of the average population were not available.

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF LORDS

Tuesday, May 9

PUBLIC UTILITIES STREET WORKS BILL, read 2a.

STATUTE LAW REVISION BILL, read 3a.

HOUSE OF COMMONS

Monday, May 8

FOREIGN COMPENSATION BILL, read 2a.

MIDWIVES (AMENDMENT) BILL (LORDS), read 2a.

Wednesday, May 10

HIGH COURT AND COUNTY COURT JUDGES BILL, read 3a.

Thursday, May 11

ALLOTMENTS BILL, read 1a.

PERSONALIA

APPOINTMENTS

Mr. S. R. H. Loxton, town clerk of Shrewsbury, has been appointed clerk of the peace for the borough of Shrewsbury. He takes the place of Mr. R. F. Prideaux, who has retired after holding the office for the past eighteen years.

Mr. C. Wilson, LL.B., senior assistant solicitor to the borough of Harrogate, has been appointed deputy town clerk in place of Mr. B. R. Ostler. Mr. Wilson is thirty-four years of age and has held his present appointment since 1945.

OBITUARY

The Right Hon. Sir Thomas Dixon, Bt., his Majesty's Lieutenant for Belfast, died in Harrogate on May 10 at the age of eighty-two. He became high sheriff of County Antrim in 1912 and of County Down in 1913. He was elected the first mayor of Larne in 1939. He had been a member of the Belfast Harbour Board for forty-three years.

Sir Hugh Walmsley, formerly a judge of the Calcutta High Court, died at Knockholt, Kent, on May 11. Born in 1871, he went to Merton College, Oxford. He was posted to Bengal as an assistant magistrate and collector, and in 1905 was transferred to East Bengal. He was appointed district and sessions judge there in 1906. Six years later he became acting judge in the Calcutta High Court. He was knighted in 1923.

Mr. Alfred T. Truman, senior partner in the firm of Messrs. Alfred Truman & Son, solicitors, Bicester, died on April 30. He was eighty years of age. Admitted a solicitor in 1903, he held many public appointments, including clerk to the Bicester old age pensions committee, clerk to the justices of the petty sessional division of Ploughley, clerk to the Bicester R.D.C., clerk to the Ploughley R.D.C., clerk to the commissioners of income tax for the Ploughley division, clerk to the Bicester union assessment committee, clerk to the Bicester board of guardians, clerk to the Ploughley guardians' committee, clerk to the Bicester and district education committee and the Deddington and district education committee.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Housing Act, 1949, s. 2—*Quashing of certain demolition orders.*

Some doubt has arisen in my district concerning the extent to which the operation of the above mentioned provision is limited by the period of twelve months mentioned in para. (*a*). I shall be grateful if you will let me know whether in your opinion a local authority, having received from the owner of a house within the section a written request to the local authority as provided in para. (*a*), notwithstanding the fact that the house concerned has not been repaired in any way, may delay their consideration of the case for any period at their discretion after July 31, 1950, in order to give the owner full opportunity of executing works, and if in such circumstances they may at any time after that date apply to the county court for the quashing of the demolition order. One view held is that the section operates only in respect of houses which have been made fit for human habitation before July 31, 1950, and that the whole of the procedure outlined in the section must be completed within the period expiring on that date.

A.S.Q.

Answer.

It is the owner's application which must be made within the twelve months. The section does not say that the works must have been executed within that period, or that the local authority can be satisfied at a meeting held thereafter, but, if an owner does no works until July and then applies, it would be an abuse of the section for the council to adjourn considering whether they were "satisfied" so as to give him more time. Applications ought, in our opinion, in order to give effect to the time limit, to be disposed of (by determining whether to be "satisfied") not later than (say) the monthly meeting in September, on the basis of work then completed.

2.—Husband and Wife—*Maintenance order—Husband goes to South Africa—Wife desires to have order varied.*

An order is made by a court of summary jurisdiction in England on the complaint of a wife by which the husband is ordered to pay £2 per week for the wife's maintenance. The husband, who is in a good financial position, pays regularly, and is now resident in South Africa. The wife wishes to apply for a variation of the order to obtain higher maintenance under the 1949 Married Women's Maintenance Act. No summons can of course be served on the husband in South Africa. The 1920 Maintenance (Facilities for Enforcement) Act appears to apply only where a maintenance order is asked for and not to an application for the variation of an order made in this country. Would the correct procedure be for the existing order to be rescinded and a new order made under the 1920 Act, or, in your opinion, can a provisional varying order be made in this country (where the wife still lives) and be sent for confirmation to South Africa?

The article at 106 J.P.N. 399 has been referred to.

SUBSCRIBER

Answer.

There appears to be a gap in the legislation, no provision being made in the 1920 Act for variation of these registered orders. We do not see how the wife can get the original order discharged, because a summons cannot be served on the husband, and that being so we do not think she can apply for a new, provisional, order. We fear she is without a remedy.

It might be argued that an order can be discharged without service of a summons on the husband, because it is simply relieving him of an obligation, but in this case the object is actually to prepare the way for imposing a greater obligation.

Whether anything can be done by way of an application made on her behalf to the Dominion court is not within our knowledge, but it might be worth while to cause inquiry to be made.

We dealt with a similar question at 113 J.P.N. 758.

3.—Justices' Clerks—*Duties—Supply of certificates of conviction under Army Act, and generally.*

Section 164 of the Army Act, 1881, provides that whenever a person subject to military law has been tried by a civil court the clerk shall, if required, transmit to the army authorities a certificate of conviction or acquittal as the case may be.

If my view is correct that a member of the territorial army (in peace-time) is not a "person subject to military law," a request from an officer thereof for a copy conviction in respect of a man in the territorial army would appear to be equivalent to a request by any individual to be furnished with a copy conviction in respect of another. While I feel that such a request as the latter should, strictly speaking, be refused (unless the certificate is required in connexion with legal proceedings) I can find no authority for such refusal other than that which can, perhaps, be implied from s. 22 of the Summary Jurisdiction Act, 1879, which states to whose inspection a court register shall be open.

I shall value your opinion (1) as to whether a territorial is or is not a "person subject to military law" in peace-time, (2) as to the authority for the established practice of supplying copy extracts for use in connexion with legal proceedings, (3) as to the authority (if any) for supplying or refusing a copy extract in other instances, and (4) generally on the matter.

SWAD.

Answer.

(1) An officer of the territorial army is at all times subject to military law (28 *Halsbury* 628). Other ranks are subject to military law when being trained or exercised, or when embodied or called out for military service (*ibid.*).

(2) Where the fact of a conviction or acquittal is relevant in subsequent proceedings, it is only reasonable that the party who wishes to prove it should have a certificate or copy. Certificates and extracts from registers are made admissible in evidence in some instances by statute, and the practice of supplying such documents to the parties is well established generally.

(3) We do not think there is any authority to supply such documents for purposes other than legal proceedings, but there may be cases in which a clerk can quite properly supply them to a solicitor who is considering the institution of proceedings and needs to know the exact particulars of a conviction or of acquittal. We think the clerk has some discretion in the matter.

If he feels he ought to refuse, or is in doubt he is justified in asking what is the reason for the request, and by what authority it is suggested he can supply the document.

(4) The above answers indicate that a clerk will naturally hesitate to supply any such documents to persons not requiring them for use in pending proceedings, save only when some statute, *e.g.*, the Army Act, requires it, but that this may be justified exceptionally. For example, a territorial soldier is being considered for promotion; his C.O. knows the man had once had a civilian conviction, and it may be in the public interest that the exact nature of the offence shall be verified.

4. Landlord and Tenant—*Dustbins compulsorily provided—Passing cost to tenant.*

A is the owner of two dwelling-houses, one of which is let on a quarterly and the other on a weekly tenancy. Both tenancies are verbal only. A has received from the local authority notice under the Public Health and Housing Acts, to the effect that conditions exist which constitute a nuisance or defect under these Acts, and calling upon him to provide a galvanized dustbin complete with tight-fitting cover in replacement of the existing unsatisfactory refuse receptacle. As between A and his tenants, who should bear the cost of this, and if A complies with the notice may he recover the cost from his tenants? We shall be glad if you will direct our attention to any authorities on the point.

A.D. and F.

Answer.

It is difficult to answer this query adequately on the information given. Ordinarily, the authority for the local authority's requirement would be s. 75 of the Public Health Act, 1936, and not the Housing Acts. We are therefore not sure what form the notice took in the present case. Assuming the notice to be under s. 75, there is an appeal under subs. (1), but s. 290 does not apply, and, therefore, *semble*, the court has not the power given by s. 290 (5). The owner must therefore bear the cost. He could, subject to anything in the contract of tenancy, by taking the proper steps pass the cost on to the tenants if the Act of 1936 stood alone, but it is probable that the Rent Restrictions Acts apply to such properties as these, so that his doing so is prevented by those Acts.

5.—Landlord and Tenant—*Tenant covenants to keep in good repair—New installation necessary to put premises in tenantable repair.*

A lets a shop, mills and stores to a limited company, the company covenanting to keep the premises in good repair. There are no facilities at all for drinking water (and never have been) so that the staff requiring water have to get it from an adjoining house. The sanitary officer of the local authority is pressing for installation of a proper supply and the company contend that it is the duty of the landlord to do this. A refuses to do so, adding that he is exonerated therefrom by virtue of the Factory Acts and regulations, and that liability to put in an adequate service falls upon the company. Can

A sustain his contention, and what would be the position if A had covenanted to do exterior repairs?

A.S.M.

Answer.

We think the company are probably liable as between themselves and their lessor: *Luscott* v. *Wakely and Wheeler* (1911) 104 L.T. 290; *Bondfoot* v. *Hart* (1890) 55 J.P. 20. We do not think that A's position as against his tenant would be weakened, as regards this particular matter by his having covenanted to do external repairs.

6.—Licensing—*Grant of new justices' on-licence—Practice of fixing monopoly value.*

I have received a number of applications for new justices' on-licences and if any are granted the question of fixing the monopoly value in accordance with s. 14 of the Licensing (Consolidation) Act, 1910, will arise.

At what stage of the proceedings should the licensing justices hear evidence (in practice the amount is agreed between the applicants and the commissioners of customs and excise) to enable them to fix the amount to be paid? Should this evidence be heard before the licensing justices announce that the licence is granted, or should the licensing justices announce that the licence is granted subject to the payment of monopoly value and then hear evidence as to value? The case *Ex parte Fearn* (1905) 69 J.P. 177, affords no help.

NANN.

Answer.

In 1911 the Home Secretary requested clerks to licensing justices to give notice to the commissioners of customs and excise when notice was received of an application for a new licence which required consideration of questions relating to the assessment of monopoly value.

In practice, it is usual for the licensing justices to consider an application for a new licence on the merits of the application, and, if they decide to grant the application, to adjourn the matter for the consideration of the necessary condition for payment of monopoly value. At the adjournment an officer from the valuation department of the commissioners of customs and excise usually attends to assist the justices in assessing monopoly value.

It is not usual for questions of monopoly value to be considered before the justices have intimated their willingness to grant the licence.

7.—Licensing—*Removal of cellar flap desirable in interests of road safety—Whether the concern of licensing justices.*

One of the public houses in my division is situated on the cross-roads where there have been many accidents, and recently there has been a fatal accident.

It has been suggested to me that I should draft a letter to be signed by the chairman of the bench, as chairman of the licensing justices, addressed to the brewery company which owns the public house in question, requesting them to remove the cellar flap to another position, as it is alleged that when the brewery's lorries are discharging beer through this cellar flap into the cellar, they are obstructing the vision of traffic on the corner, and thus may be the cause of some of the accidents.

It will be appreciated that whether the allegations are true or not, it cannot for one moment be said that this is a matter which affects the drinking facilities at the public house or its conduct or the customers to the house, and in these circumstances I shall be glad to know whether you think it would be proper for the chairman of the licensing justices to write at all to the brewers, and in effect use the authority of the licensing justices to have something done to improve the traffic facilities. I might perhaps add that the chairman of the licensing justices is also the vice-chairman of the county council, who are the highway authority.

NOR.

Answer.

The removal of the cellar flap is not a matter in which licensing justices are empowered to require structural alterations to be made to licensed premises under s. 72 of the Licensing (Consolidation) Act, 1910; but to the extent that this is an alteration to the licensed premises which affects communication between the licensed premises and the street it is an alteration which may not be made without the consent of the licensing justices under s. 71. It would not be improper for the licensing justices to consider the position of the cellar flap with especial regard to road safety and to intimate to the owners that a scheme for alterations to their licensed premises touching the removal of the flap to a more satisfactory position would receive their consent and, indeed, in the public interest, their encouragement. The suggested letter, we think, would more properly be written by the justices' clerk in giving effect to a resolution of the licensing justices.

8.—Name, Change of—*Married woman—Deed poll.*

A woman who is living apart from her husband wishes to change her name by deed poll but she informs us that some new statute or regulation has been passed which prevents her from doing this unless the husband also joins to consent. Can you inform us whether this is so? We cannot find any reference.

SUT.

Answer.

We do not know what she has in mind, and we see no reason why the deed poll should not be executed.

9.—Poor Prisoners Defence—*Several prisoners committed for trial—Should separate defence certificates be granted.*

A petty sessional court commits A and B for trial on two charges of shop-breaking, and C and D each on one charge of receiving part of the proceeds. One set of depositions is taken. A, B and C disclose no defence to the charge but do not plead guilty. D pleads not guilty after having elected to give evidence which is hostile to A and B. All the prisoners apply for a defence certificate and the examining magistrates, satisfied that they have not the means to pay for solicitor and counsel, grant them all defence certificates. A separate certificate is issued in respect of each prisoner, making four in all. The clerk of the peace raises the point that the proper course is to include all prisoners whose interests do not require separate representations, all in one certificate. It is my view that the Poor Prisoners Defence Act, 1930, plainly envisages a separate certificate for each defendant, and indeed the forms in the schedule to the Poor Persons Counsel and Solicitors Rules, 1931, and the Costs in Criminal Cases Regulations, 1930, are obviously drawn with a view to each certificate being for a single person.

I should be glad of your opinion as to whether or not one defence certificate can properly be given to cover more than one prisoner.

S. ADDER.

Answer.

In our opinion, a separate defence certificate should be granted to each defendant.

We considered a somewhat similar point at 113 J.P.N. 524.

OFFICIAL ADVERTISEMENTS, TENDERS, ETC. (*contd.*)

BOROUGH OF KEIGHLEY

Deputy Town Clerk

APPLICATIONS are invited from Solicitors for the above appointment. Salary £840×£30—£960. National Joint Council Conditions of Service. Applications, with copies of two recent testimonials, to be received not later than May 26, 1950.

H. W. SMITH,
Town Clerk.

Town Hall,
Keighley.

NORTH RIDING OF YORKSHIRE COMBINED PROBATION AREA

Appointment of Male Probation Officer for South Tees-side area

APPLICATIONS are invited for the appointment of a full-time male probation officer for the above area which comprises the industrial area of South Bank and the country area to the south. Candidates must not be less than 23 years nor more than 40 years of age except in the case of whole-time serving officers. The appointment will be subject to the Probation Rules, 1949, and the salary will be in accordance with the prescribed scales. Possession of a car (not essential) will be an advantage and an allowance will be paid.

Applications with names of two referees to be sent to the undersigned not later than the May 31, 1950.

HUBERT G. THORNLEY,
Clerk to the Combined Committee.

County Hall,
Northallerton, Yorks.

COUNTY OF BERKS

Appointments of Clerk of the County Council and Clerk of the Peace

THE Berkshire County Council invite applications for the offices of Clerk of the County Council and Clerk of the Peace. Candidates must have had considerable practical experience of the administrative and legal work of local government and the duties of Clerk of the Peace and the procedure and practice of Quarter Sessions.

The salary of the Clerk of the Council will be £1,850 per annum rising to £2,200 by three annual increments of £100 and one increment of £50. The salary of the Clerk of the Peace will be £450 per annum. An allowance for expenses will also be given.

All fees and other emoluments received by the Clerk by virtue of any of his appointments (other than fees for his personal remuneration as Acting Returning Officer at Parliamentary Elections) will be paid into the County Fund.

The Local Government Superannuation Act, 1937, will apply to the appointments, which will commence on April 1, 1951.

Applications, of which five copies must be provided, must be made on a form to be obtained from the undersigned, and enclosed in an envelope marked "Appointment of Clerk" and must be delivered to the undersigned not later than June 10, 1950.

H. J. C. NEOBARD,
Clerk of the Peace and
Clerk of the County Council.

Shire Hall,
Reading.

THE LANCASHIRE NO. 13 COMBINED PROBATION AREA

Female Probation Officer

APPLICATIONS are invited for the above whole-time appointment. The area comprises the County Borough of Southport and the Petty Sessional Divisions of Ormskirk and Southport. The appointment will be subject to the Probation Rules, 1949. The successful candidate will be required to pass a medical examination.

Applications stating age, qualifications and experience, together with copies of not more than two recent testimonials, must reach the undersigned not later than June 10, 1950.

B. J. HARTWELL,
Clerk of the Combined Area Committee.

The Law Courts,
Southport, Lancs.

COUNTY OF MIDDLESEX

Willesden Petty Sessional Division

WHOLETIME Solicitor Assistant to the Clerk to the Justices. Applicants must be qualified Solicitors with considerable experience in a justices' clerk's office, and must be capable of taking charge of entire work of Court in absence of Clerk to the Justices. Salary £850 × £50—£1,000 p.a. (consolidated). Established and pensionable subject to medical fitness and prescribed conditions of service. Written applications with copies of not more than three recent testimonials must reach the undersigned not later than June 10, 1950 (quoting G.990 J.P.) Canvassing disqualifies.

C. W. RADCLIFFE,
Clerk to the Standing Joint Committee.

Guildhall,
Westminster, S.W.1.
May 12, 1950.

COUNTY BOROUGH OF NEWPORT

Children's Officer

APPLICATIONS are invited from suitably qualified persons over 30 years of age for the appointment of Children's Officer, at a salary in accordance with Grade VIII of the A.P.T. Division of the National Scales (£685 × £25 to £760 per annum). The post will be eligible for a car allowance in accordance with the Council's Scale.

The person appointed will be required to carry out the statutory duties of the Children's Officer, together with such other duties in connexion with Child Welfare as the Council may decide.

Applications (on forms to be obtained from me) must reach me not later than June 5, 1950.

Canvassing either directly or indirectly will disqualify.

J. G. ILES,
Town Clerk.

Town Hall,
Newport, Mon.

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CITY OF BRADFORD

Adoptions Officer (Male or Female)

APPLICATIONS are invited for the post of Adoptions Officer (male or female), at a salary in accordance with Grade A.P.T. III. of the Scheme of Conditions of Service (£450 × £15—£495).

The appointed officer will be principally engaged with the work of the Adoption of Children Acts, 1926/49, and will be required to assist the court and admissions officers, and generally assist in the work of the Children's department. Applicants must have a comprehensive knowledge of case work and precis writing and experience, if possible, in adoption work and court procedure.

Suitable qualifications are required.

The appointment is subject to the Local Government Act, 1937, and the successful candidate will be required to pass a medical examination. Canvassing will disqualify. An applicant who is related to a member or senior officer of the council must disclose the fact in his/her application.

Applications (no forms issued), stating age, present appointment, qualifications and full details of previous experience, together with copies of two recent testimonials and the names and addresses of two referees, should be sent in envelopes endorsed "Children's Department—Adoptions Officer," so as to reach the undersigned not later than June 3, 1950.

W. H. LEATHEM,
Town Clerk.

Town Hall, Bradford.

CITY OF CARDIFF

Contracts, Electoral Registration and Elections Assistant—A.P.T. Grade 5

APPLICATIONS are invited for the abovementioned position in my department, at a salary in accordance with A.P.T. Grade 5, £520—£570.

The principal duties of the position are :—

(1) The preparation of Corporation Contracts.

(2) The compilation of the Register of Electors.

(3) The conduct of Municipal and Parliamentary Elections.

(4) General assistance in legal and administrative work.

Previous municipal experience in regard to items (1), (2) and (3) is essential.

General Conditions of Appointment may be obtained from the undersigned.

Applications, accompanied by the names and addresses of three referees, should reach me on or before June 3, 1950. The covering envelope should be suitably endorsed.

S. TAPPER-JONES,
Town Clerk.

City Hall, Cardiff.

INQUIRIES

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